

a more ably edited, more enterprising, or more fair press than Texas, therefore, be it

Resolved, That the Senate hereby express its grateful and most appreciative thanks to Messrs. Tom Finty, Jr., of the Dallas-Galveston News, William M. Thornton of the Dallas-Galveston News, George Waverly Briggs of the San Antonio Express, Lloyd Lockridge of the San Antonio Express, L. A. Petit of the Houston Post and Fort Worth Record, Harry M. Johnston of the Houston Post, Dan Ruggles of the Beaumont Enterprise, Jack Fernandez of the Austin Statesman, and Glenn Pricer of the Austin Tribune, for their enterprising, liberal, fair and timely reports of the proceedings of the Senate of Texas. Their hours have been long and arduous, but they were always on hand, never shirking their duty, but giving this Senate a "square deal" upon all matters and upon all occasions.

PERKINS,
PAULUS.

The resolution was read and adopted.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following House bill (see Fourth House Message for caption of):

House bill No. 29, referred to Judiciary Committee No. 1.

House Concurrent Resolution No. 4, referred to Committee on Agricultural Affairs.

RECESS.

Senator Watson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Mayfield moved that the Senate recess until 8 o'clock tonight.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost.

The motion to recess until 8 o'clock tonight was then adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

BILLS SIGNED.

The Chair (Lieutenant Governor Dav-

idson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 28, "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

Senate bill No. 7, "An Act transferring the balances now to the credit and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Senate bill No. 41, "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

House bill No. 39, "An Act to confer authority upon the Railroad Commission of Texas to require railroad companies reaching the same city or town in this State to construct and maintain joint or union passenger depots, providing penalties, and declaring an emergency."

ADJOURNMENT.

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock. The motion was adopted.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Tuesday, May 11, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll called, quorum present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Sturgeon.	Veale.
Thomas.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Weinert, the same was dispensed with.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 38, A bill to be entitled "An Act to amend Article 642, Title 21 of the Revised Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150 of the Thirtieth Legislature, by adding to the said Article 642 a new subdivision to be known as 'Subdivision 72,' providing that public corporations may be formed for the purpose of constructing, erecting and repairing buildings and structures of any and all kinds."

House bill No. 56, A bill to be entitled "An Act to constitute the Governor, the chairman of the Railroad Commission, the Secretary of State a board of accounting to put in force a system of accounting for the departments of Comptroller, General Land Office and Treasury, in pursuance of the provisions of the laws passed by the First Called Session of the Thirty-first Legislature;

making an appropriation to carry them into effect, and declaring an emergency."

Senate bill No. 42, A bill to be entitled "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 55, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts, the duties of his employes; providing a complete system of accounting, bookkeeping and auditing of accounts of the department and of other departments and officers of the government; providing that the Comptroller shall prepare forms to be used exclusively in making reports and claims; providing a system for the collection and handling of revenue of all kinds; providing for appointment of chief clerk and prescribing his duties; providing for filling vacancies."

Also requests a new Conference Committee on House bill No. 5, and have appointed on the part of the House the following: Messrs. Robertson of Travis, Tarver, Baker of Panola, Odom, Robertson of Erath.

Also adopted the Free Conference Committee report on Senate bill No. 12.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message for captions):

House bill No. 55, referred to Committee on State Affairs.

House bill No. 56, referred to Committee on State Affairs.

House bill No. 38, referred to Committee on Internal Improvements.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Hudspeth:

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences on

Senate bill No. 12, A bill to be entitled

"An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing additional powers and duties; providing for a hunting license, etc., and declaring an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate and House that the Senate has concurred in the House amendments, and we recommend that the bill do pass.

Respectfully submitted,

HUDSPETH,
WATSON,
WILLACY,
KELLIE,
PEELER,

On the part of the Senate.

GOODMAN,
McCALLUM,
MUNSON,
TERRELL of Cherokee,
FLOURNOY,

On the part of the House.

The above report was read and adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That a committee of five be appointed to arrange for the printing of the Journal of the Senate for the Regular and First and Second Called Sessions, and to determine what post-session clerical work is necessary in order to properly wind up the business of the Thirty-first Legislature, and to determine what officers and employees shall be retained to perform such post-session clerical work, and to make such recommendations in the premises as to said committee may appear proper.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following as the committee: Senators Cofer, Greer, Stokes, Meachum and Holsey.

SIMPLE RESOLUTION.

By Senator Kellie:

Whereas, During the Regular and the Called Sessions of the Thirty-first Legislature, Hon. H. B. Terrell, Senator from the Eleventh District, has kindly, each week, furnished us with copies of that most excellent paper, the West

Times, of which he is the able editor; therefore, be it

Resolved, That the thanks of the Senate are hereby extended to him for this kindness.

PAULUS,
KELLIE,
WEINERT.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the resolution by adding the McKinney Democrat-Gazette.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend the resolution by adding the following: "We hereby request these two honorable Senators to please continue to send us their most valuable papers without pay."

The resolution was then adopted.

SIMPLE RESOLUTION.

By Senator Hayter:

Resolved, That the Secretary be allowed postage to the amount of \$5.00 with which to mail out Journals and Manuals to the members and officers, after adjournment.

HAYTER,
MURRAY,

The above resolution was read and adopted.

FREE CONFERENCE COMMITTEE REPORT.

By Senator Murray:

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and the House on

House bill No. 5, A bill to be entitled "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at the Rusk penitentiary, for its maintenance and operation; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legisla-

ture; providing a lien upon said State railroad; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in the State of Texas, and declaring an emergency."

Beg to report that the committee has had this matter under consideration, and after due and deliberate consideration of the differences between the two houses, find it absolutely impossible to reach an agreement between the committees.

Respectfully submitted,

MURRAY,
MASTERSON,
TERRELL of McLennan,
WATSON,
HAYTER,

On the part of the Senate.

TERRELL of Cherokee,
O'BRYAN,
BELL,
ELLIOTT,
BROWNLEE,

On the part of the House.

HOUSE BILL NO. 52.

The Chair laid before the Senate, on second reading,

House bill No. 52, A bill to be entitled "An Act to provide a method of apportioning, distributing and accounting of the available State school fund, and to repeal Sections 13, 14, 16, 17, 18, 23, 32 and 33 of Chapter 124 of the Acts of the Twenty-ninth Legislature, relating to the same subject, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Hudspeth.
Alexander.	Kellie.
Brachfield.	Masterson.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Hayter.	Peeler.
Holsey.	Real.

Senter.	Ward.
Stokes.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Hume.	Thomas.
Perkins.	Veale.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—1.

Harper.

Absent.

Perkins.	Thomas.
Sturgeon.	Veale.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Hayter, Senators Willacy, Harper, Terrell of Bowie, Weinert and Peeler were excused from roll call on yesterday, on account of attending the Free Conference Committee on the general appropriation bill.

HOUSE BILL NO. 30.

On motion of Senator Harper, the regular order of business (Senate bill No. 40) was suspended, and the Senate took up, out of its order, House bill No. 30, by the following vote:

Yeas—26.

Adams.	Cofer.
Brachfield.	Greer.
Bryan.	Harper.

Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of
Mayfield.	McLennan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Absent.

Alexander.	Thomas.
Hume.	Veale.
Sturgeon.	

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Sturgeon.	Veale.

The Chair laid before the Senate, on second reading,

House bill No. 30, A bill to be entitled "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, a part thereof maturing on the first day of July, 1909, and a part maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read

on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Sturgeon.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Alexander.	Thomas.
Sturgeon.	Veale.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.
(Senator Hume in the chair.)

HOUSE BILL NO. 5—NEW FREE CONFERENCE COMMITTEE ON.

Senator Brachfield here moved that the Senate grant the request of the House for a new Free Conference Committee on House bill No. 5.

The motion was adopted.

The Chair (Senator Hume) appointed the following as the committee: Sen-

ators Senter, Adams, Paulus, Kellie, Stokes.

SIMPLE RESOLUTION.

By Senator Holsey:

Whereas, The Hon. Tom Connally of Falls county is now within the Senate gallery, and whereas he has been a distinguished member of former Legislatures and is an eloquent and forceful speaker who has rendered distinguished service to the people of Texas; therefore, be it

Resolved, That he be invited to address this Senate instantler during our closing hours, and that a committee of three be appointed to escort him to the President's stand.

TERRELL of Bowie,
HOLSEY,
BRYAN,
MEACHUM,
HUDSPETH,
WATSON,
MAYFIELD.

The resolution was read, and adopted by a rising vote.

In accordance with the above, Mr. Connally addressed the Senate.

SIMPLE RESOLUTION.

By Senator Senter:

Whereas, The Christian Endeavorers of the city of Dallas, and other citizens of that city, are making a vigorous effort to secure the next convention of the International Society of Christian Endeavorers, to be held in 1911, to meet in the city of Dallas; therefore, be it

Resolved, That the Senate of the Thirty-first Legislature cordially join in the invitation to that organization to hold its next session in the city of Dallas.

The above resolution was read and adopted.

HOUSE BILL NO. 72.

Senator Masterson moved that the regular order of business (Senate bill No. 40) be suspended, and the Senate take up, out of its order, House bill No. 72.

Pending discussion on the above motion, Senator Meachum moved the previous question on same, which motion being duly seconded, was so ordered.

The motion to take up House bill No. 72 was lost by the following vote:

Yeas—10.

Brachfield.	Masterson.
Cofer.	Mayfield.
Greer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Ward.

Nays—16.

Adams.	Paulus.
Bryan.	Peeler.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Alexander.	Thomas.
Perkins.	Veale.
Sturgeon.	

REFUSE TO RECEIVE COMMITTEE REPORT.

Senator Stokes here asked unanimous consent to offer a floor report on House bill No. 55.

Pending the reading the report, Senator Watson objected to the receiving of the report.

A point of order was made by Senator Terrell of Bowie that the report had been already received, but the Chair overruled the point of order.

SENATE BILL NO. 40.

The Chair laid before the Senate, on second reading.

Senate bill No. 40, A bill to be entitled "An Act providing for the examination of banking corporations created by the acts of the Legislature of this State, or under general law prior to the adoption of the Constitution of this State in 1876, and requiring such banking corporations to make and publish reports of their condition and providing penalties for violation of this act, and declaring an emergency."

There was an adverse majority committee report and a favorable minority committee report.

Senator Watson moved that further action on the bill be postponed until the 19th of June, 1909.

Senator Terrell of Bowie moved to table the motion by Senator Watson, which motion to table was adopted by the following vote:

Yeas—12.

Adams.	Holsey.
Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Ward.

Nays—11.

Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Senter.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Alexander.	Terrell of McLennan.
Brachfield.	Thomas.
Perkins.	Veale.
Sturgeon.	Willacy.

Action recurred on the committee reports on the bill.

Senator Mayfield moved the previous question on the engrossment of the bill, which motion being duly seconded, was so ordered.

Senator Holsey moved to reconsider the vote by which the previous question was adopted.

The motion to reconsider was adopted.

Senator Holsey then moved to adopt the minority committee report (which was a favorable report).

The motion was lost by the following vote:

Yeas—11.

Bryan.	Mayfield.
Cofer.	Meachum.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Ward.
Holsey.	

Nays—14.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Terrell of McLennan.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Alexander.	Sturgeon.
Brachfield.	Thomas.
Perkins.	Veale.

(Lieutenant Governor Davidson in the chair.)

RECESS.

Senator Kellie moved that the Senate recess until 2 o'clock today, which motion was adopted.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

The Senate was at ease subject to the call of the Chair.

At 3:35 o'clock the Senate was again called to order by Lieutenant Governor Davidson.

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

By Senator Alexander:

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two houses on Senate amendments to House substitute to

Senate bill No. 4, A bill to be entitled "An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, shall avail their depositors of protection provided for by this act, either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; providing that banks incorporated by special act of the Legislature of the State of Texas may, voluntarily, on certain conditions protect their depositors under this act; providing that private banks may, voluntarily, avail their depositors of the protection by bond provided by this act; amending Sections 39 and 44, Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors,

and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violations of this act, and declaring an emergency."

Bea leave to report that we have had the same under consideration, and have adjusted the differences between the two houses, and make the following recommendations:

1. That the House accept the Senate amendments to the House substitute to Senate bill No. 4, with the following amendments thereto, which we recommend be accepted by both houses:

Amend the caption, line 18, by inserting after the figure "39" the figures "50, 56."

Amend Section 1, line 31, page 1, by inserting the word "heretofore" after the word "State."

Amend Section 3, line 23, page 2, by striking out the word "December" and inserting the word "October."

Amend Section 4, line 32, page 2, by striking out the words "non-interest bearing" and in line 33 insert the words and figures "ending November 1, 1909," after the word "year" and by striking out of line 34 the words "nor deposits of other banks and trust companies."

Amend Section 4, page 3, line 2, by inserting after the word "provisions" the words "of the guaranty fund plan," and in line 4, by inserting after the word "deposits" "for the year ending November 1 of the preceding year," and in line 12 by inserting after the word "dollars" the words "or below the amount of the guaranty funds on January 1 preceding," and by inserting after the word "named," in line 17, the words "or to its amount as of January 1 preceding."

Amend Section 5 by striking out all after the figure "5" in line 22, and inserting the following: "Twenty-five per cent of each payment required of each such bank or banking and trust company shall be paid to said board in cash and shall be by it deposited for safe keeping only with the State Treasurer as bailee for the State Banking Board, and shall be paid out by the State Treasurer on warrants drawn by the order of said board, and said fund shall never be diverted from the purpose specified in this act, nor shall it ever be considered State funds. The remaining 75 per cent of each payment required shall be paid by each such bank or banking and trust company crediting the State Banking Board with such

amount as a demand deposit subject to check upon the order of said board.

"It shall be the duty of said board to keep at all times 25 per cent of the amount of said fund deposited with the State Treasurer in cash as provided herein."

Amend Section 6, line 34, page 3, by inserting after the word "law" the words "or hereafter organized."

Amend Section 6, page 4, line 3, by inserting after the words "capital stock" the words "and surplus."

Amend Section 9, line 34, page 5, by inserting after the word "fund" the words "or any party at interest."

Amend Section 10, line 3, page 13, by inserting after the words "subject to" the words "the depositors' guaranty fund plan of," and line 6 by striking out the word "and" after the word "company," and line 10 by inserting after the word "paid" the words "or contracted to be paid directly or indirectly."

Amend Section 11, line 9, page 14, by inserting after the words "trust company" the following: "In the event of the closing, as provided by law, of any such State bank or trust company operating under the depositors' guaranty fund plan, which lien shall attach and be in force from the time such bank or trust company is legally closed, upon all the property and assets then in possession of such bank or trust company." And in line 11, after the word "deposits" insert the words "or debts."

Amend Section 14, lines 15 and 16, page 15, by striking out the words "and which desire to continue to do so within ninety days from the time this act shall take effect."

Amend Section 14, line 8, page 17, by inserting after the word "shall" the following: "Have an exclusive prior lien upon all the assets, including cash, of such savings department, and which shall," and line 29, same page, by striking out the word "sufficient" and inserting the word "insufficient."

Amend Section 16, page 20, line 5, by striking out the word "section" and inserting "act as to the depositors' guaranty fund plan or the bond security system on filing its charter."

Amend Section 17, line 12, page 20, by striking out the figures "16" and inserting the figure "1."

Amend Section 17, line 15, page 20, by inserting after the words "provisions of" the words "the bond security system of," and line 28, same page, by striking out the word "act" and inserting the word "section."

Amend Section 17, line 9, page 21,

by striking out the figure "1" and inserting "16."

Amend Section 20, line 24, page 24, by striking out the word "he" after the word "bond."

Amend Section 21, line 11, page 25, by inserting after the word "depositors" the words "having funds deposited with." And same page, line 19, by striking out the word "thereof" and inserting the word "hereof."

Amend same page, line 21, by striking out the word "and" in the same line and inserting the word "any."

Amend Section 24, line 23, page 26, by inserting the word "general" before the word "laws," and in line 26, same page, by inserting after the word "herewith" the words "or avail itself of the depositors' guaranty fund plan as provided in this act."

Amend Section 25, page 27, by adding at the end of the section the words "and all authority conferred by the provisions of this act."

Amend Section 27, line 26, after the word "corporation," by inserting the words "heretofore or hereafter incorporated under the general laws of the State of Texas."

Amend Section 28, line 29, page 29, by striking out the word "December" and inserting the word "November."

Amend Section 28, page 30, by adding at the end of the section the following: "Provided, that any State bank which purchases the assets of any other bank shall before the purchase of the assets of such other bank, increase its capital to such an amount that the same will have the ratio to the total deposits of the bank the assets of which it has purchased, as defined and required in this section."

Amend Section 35, line 27, page 33, by inserting after the word "bank" the words "or banking and trust company incorporated under the laws of Texas."

Amend Section 36, line 10, page 34, by inserting after the word "bank" the words "or banking and trust company incorporated under the laws of this State."

Amend Section 37, line 33, page 34, by striking out the word "omit" and inserting the words "fails or refuses"; and line 34, same page, by inserting after the word "law" the words "or who shall do or perform or assist in doing or performing any act or transaction prohibited by the provisions of this act for the punishment of which provision is not otherwise herein made."

Amend Section 38, line 5, page 35, by striking out the word "or" after the

word "banking" and inserting the word "nor"; and line 6, same page, strike out the word "or" and insert the word "nor"; and line 11, same page, strike out the word "in" and insert the word "to."

Amend Section 39, line 22, page 35, by inserting after the word "bank" the words "or banking and trust company incorporated under the laws of Texas"; and line 24, same section, by inserting after the word "bank" the words "or banking and trust company."

Amend Section 41, page 36, line 17, by inserting after the word "banks" the words "or banking and trust companies incorporated under the laws of Texas, not in conflict herewith."

Amend Section 42 by inserting after the word "or," in line 19, the words "banking and"; and line 21, strike out the words "the State," and line 22, strike out the word "department," and lines 23 and 24, strike out the words "upon conviction" and all of line 24, and insert "render such corporation liable to a penalty of not less than \$100 nor more than \$1000, to be recovered for the benefit of the State."

Amend Section 9, line 14, page 8, by inserting after the word "claims" the words "the Commissioner shall make a full and complete list of the claims."

Amend Section 18, lines 6 to 12, page 22, by striking out the following words: "In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond," and insert said words at the bottom of Section 16 of the bill, and after the same insert the following words: "The bond or other form of guaranty provided for in this act may be made by any person, firm or corporation authorized to execute the same and any and all corporations incorporated under the provisions of Sections 8 and 9 of Chapter 10 of the First Called Session of the Twenty-ninth Legislature or any act amendatory thereof, shall be, and they are hereby authorized and empowered to execute such bonds or guaranties, either singly or collectively, subject to approval as herein provided for; provided, that any such corporation which is at the time operating under the guarantee fund system provided for by this act shall not be accepted as a surety on any such bond."

Amend Section 17, line 8, page 21, by striking therefrom the words "and the Commissioner of Insurance and Banking" just preceding the words "and filed."

Add at the end of said Section 17, line 9, page 21, the following words: "Upon the filing of such bond or other form of guaranty it shall be the duty of the Commissioner to furnish a certificate of such fact."

Amend Section 20, line 29, page 24, by inserting after the word "same" the word "and."

Amend Section 26, line 7, page 28, by inserting after the word "transacted" the following:

"It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: 'The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund.' And when issued to bond security banks shall contain the following statement on the face thereof in bold type: 'All deposits of this bank are protected by security bond under the laws of the State of Texas.' And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation; provided, that hereafter the Secretary of State shall on issuance of any charter to any bank or banking and trust company, deliver the same to the Commissioner of Insurance and Banking who shall deliver such charter to such corporation together with the certificate, herein provided for upon such corporation showing to the satisfaction of the State Banking Board that it has complied with the State banking laws."

Amend by striking out Section 13 and by striking out Section 32 and inserting as follows for Section 32:

Section — All guaranty fund banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish by any form of advertising which they may adopt, or upon their stationery the following words: "The non-interest-bearing and unsecured deposits of this bank are protected by the depositors' guaranty fund of the State of Texas." All bond guaranty banks provided for in this act are hereby authorized and empowered, if they desire so to do, to publish by any form of advertising which they may adopt, or upon their stationery, the following words: "The deposits of this bank are protected by guaranty bond under the laws of this State." Said banks are authorized to use the terms "Guaranty Fund Bank" or "Guaranty Bond Bank," as the case may be, but they are hereby prohibited from describing said forms of guaranty by any other terms or words than herein named. Any guaranty fund bank or bond security bank or any officer, director, stockholder or other person for any such bank who shall write, print, publish or advertise in any manner or by any means or permit any one for them, or for said bank, to write, print, publish or advertise any statement that the deposits of any such bank are secured otherwise than as permitted in this section, or who shall make or publish any advertisement or statement to the effect that the State of Texas guarantees or secures the deposits in any such bank or banking and trust company shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100 nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment. Any person who shall write, print, publish or advertise the above statement authorized to be used by bond security banks or guaranty fund banks other than as herein authorized shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment.

Amend the bill by adding the following sections before Section 35, and properly renumbering all sections:

Section — Section 56 of Chapter 10 of the General Laws of the First Called

Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as hereafter to read as follows:

"Section 56. The directors of any bank or trust company organized under this act may appoint and remove any officer or other employe at pleasure. The officer or employe shall have no power to endorse, sell, pledge or hypothecate any note, bond or other obligation received by such corporation for money loaned until such power and authority shall have been given such officer or employe by the board of directors in a regular meeting of the board, a written record of which proceedings shall have first been made upon the minutes of the corporation; and all acts of endorsing, selling, pledging or hypothecating done by said cashier or other officer or employe of any such bank or trust company without the authority of the board of directors given as herein provided, shall be null and void."

Sec. —. Every officer of every State bank, upon whom the powers of a cashier or treasurer may be imposed by the board of directors, shall, before entering or being permitted to enter upon the exercise of such powers, or the duties of his office, give a good and sufficient bond in such sum and with such surety or sureties as the board of directors may approve, and in such form as may be prescribed by the Commissioner of Insurance and Banking, conditioned to pay the bank such pecuniary loss as the bank may sustain of money or other valuable securities embezzled, wrongly abstracted or wilfully misapplied by said officer in the course of his employment as such and in the course of his employment in any other position in the bank to which he may be appointed, re-appointed, elected, re-elected or temporarily assigned. Such bond shall be approved by the board of directors in writing on the minutes of the corporation, and no member of the board of directors or officers of such State bank shall become surety thereon, and the same shall be deposited in some safe place, inaccessible to the maker thereof or the sureties thereupon, to be prescribed by the board of directors and shown upon the minutes of the corporation.

Sec. —. No State bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased

or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. —. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon, or for any State bank to issue or execute any bills or other evidence of indebtedness secured or to be secured, by the pledge or hypothecation of any of its securities which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession shall be allowed in which such bank or Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. —. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Section 50. No bank and no bank or trust company or any member of either, shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or banking and trust company while it continues its banking and trust operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any State bank on which interest is past due and unpaid for a period of six months, unless the same are well secured or in process of collection, shall be considered bad debts within the meaning of this section.

"The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend, if such dividend has been earned, provided the corporation be fully

solvent, without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and pay any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividend."

Sec. —. The State Banking Board shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as it may deem advisable, and to require any additional statements which it may deem necessary as to average daily deposits, capital stock, surplus, character of deposits and such other matters as it may deem necessary to the enforcement of this act.

Sec. —. Should the courts declare any section of this act unconstitutional or unauthorized by law or in conflict with any other section or provision of this act, then such decision shall affect only the section or provision so declared to be unconstitutional and shall not affect any other section or part of this act.

Respectfully submitted,
ALEXANDER,
TERRELL of McLennan,
SENER,
HUDSPETH,
HUME,

On the part of the Senate,

TRENCKMAN,
CURETON,
RAYBURN,
MOBLEY,
BAKER of Hood,

On the part of the House.

Pending the reading of the above report, on motion of Senator Harper, the same was dispensed with.

The report was then adopted.

CALL OF THE SENATE.

There being no quorum present, Senator Senter moved a call of the Senate for the purpose of securing and maintaining a quorum.

The motion was seconded.

The roll was called, a quorum being present, the following answering to their names:

Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.
Meachum.	

Absent.

Adams.	Sturgeon.
Brachfield.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Veale.
Stokes.	Weinert.

HOUSE BILL NO. 55.

Senator Hayter called up House bill No. 55.

Senator Hayter moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

Pending discussion on the motion, Senator Kellie moved the previous question on the motion, which motion being duly seconded, was so ordered.

The motion to suspend the constitutional rule was lost by the following vote:

Yeas—12.

Brachfield.	Mayfield.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Ward.
Holsey.	Willacy.

Nays—13.

Adams.	Murray.
Harper.	Paulus.
Hudspeth.	Peeler.
Hume.	Perkins.
Kellie.	Real.
Masterson.	Senter.
Meachum.	

Absent.

Alexander.	Veale.
Sturgeon.	Watson.
Thomas.	Weinert.

FREE CONFERENCE COMMITTEE
REPORT—ADOPTION OF.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the
Senate, and Hon. John Marshall,
Speaker of the House of Representa-
tives.

Sirs: Your Free Conference Commit-
tee, to whom was referred House bill
No. 18, with Senate amendments there-
to, have had the same under considera-
tion at a session of said committee, and
beg to report the same back to the
Senate and the House with the recom-
mendation that it do not pass, but that
the accompanying Free Conference Com-
mittee substitute for House bill No. 18
do pass in lieu thereof.

WILLACY,
PEELER,
HARPER,
TERRELL of Bowie,
WEINERT,

On the part of the Senate.
CROCKETT of Washington,
COX,
STAMPS,
ROBERSON of Erath.
GILMORE,

On the part of the House.

The report was read and adopted by
the following vote:

Yeas—26.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.

Absent.

Sturgeon. Veale.
Terrell of McLennan. Weinert.
Thomas.

Following is the Free Conference Com-
mittee report as adopted:

APPROPRIATION FOR THE SUP-
PORT OF THE STATE GOV-
ERNMENT.

Free Conference Committee Substitute
for House bill No. 18.

A BILL

To Be Entitled

An Act making appropriations for the
support of the State Government for

two years, beginning September 1,
1909, and ending August 31, 1911, and
for other purposes, prescribing certain
regulations and restrictions in respect
thereto; to make additional appropri-
ations for the support of the State
Government for the years ending
August 31, 1909, and to pay various
miscellaneous claims against the
State, and authorizing the payment
of said miscellaneous items upon the
taking effect of this act, and declaring
an emergency.

Be it enacted by the Legislature of the
State of Texas:

Section 1. That the following sums
of money, or so much thereof as may be
necessary, be and the same are hereby
appropriated out of any money in the
State Treasury not otherwise appropri-
ated for the support of the State Gov-
ernment from September 1, 1909, to
August 31, 1911, and for other pur-
poses, and for additional amounts to
support the State Government for the
year ending August 31, 1909, and to pay
various miscellaneous claims against the
State as hereinafter enumerated; pro-
vided, that each and every employe of
each and every institution or depart-
ment of this State shall be paid by
voucher issued in his or her name; said
voucher shall state the amount of salary
or sum due, and for what service per-
formed, with the date and time of said
service, and no money or moneys shall
be paid except upon presentation of said
voucher or vouchers endorsed by the
payee; provided further, that all of said
vouchers upon which any money or
moneys have been paid shall be filed
with the Comptroller for the inspection
of the Governor and the Legislature, or
by their authority; and provided fur-
ther, that correct accounts shall be kept
for all sums paid, or obligations out-
standing against each item of appropri-
ation herein and weekly statements of
the balances to the credit of each ac-
count, after all payments made and ob-
ligations outstanding have been deduct-
ed, shall be forwarded to the State
Comptroller, and it shall be unlawful
for the State Purchasing Agent or the
authority in charge of any institution or
department of this State to purchase
or issue orders for any supplies or to
otherwise pledge the credit of this State
beyond the amounts herein appropriated
or otherwise lawfully authorized.

EXECUTIVE OFFICE.

Salary of Governor.....	\$4,000	\$4,000
Salary of private secre- tary	2,000	2,000

Salary of stenographer..	1,200	1,200
Salary of porter.....	480	480
Payment of rewards and other expenses necessary for the enforcement of the law.....	7,500	7,500
Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized, to be expended under the direction of the Governor.....	1,000	
Books and stationery....	300	300
Freight, postage and telegraphing.....	500	500
Ice.....	36	36
Office fixtures.....	100	100
Contingent expenses....	100	100
To pay Lieutenant Governor for acting as Governor, to be expended in two years.	250	
Salaries of Board of Pardon Advisors.....	4,000	4,000
Contingent expenses of Board of Pardon Advisors.....	100	100
Expenses of Board of Pardon Advisors in visiting penitentiaries, reformatory and camp	300	300
Total	\$21,866	\$20,616

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the Executive Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor any obligations incurred in excess of the amounts herein appropriated.

MANSION AND GROUNDS.

For Governor's Mansion and furniture, including repairs of mansion and improvements to grounds surrounding Mansion and repairs of walks around Mansion grounds, and necessary labor for care of same, to be expended in two years.....	\$2,000	
Labor and employees at mansion.....	800	\$800
Fuel and lights.....	350	350

Water and ice.....	200	200
Contingent expenses....	100	100
Total	\$3,150	\$1,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Mansion and grounds during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF STATE.

Salary of Secretary of State	\$2,000	\$2,000
Salary of chief clerk....	1,700	1,700
Salaries of three assistant clerks at \$1200 each	3,600	3,600
Salaries of two second assistant clerks at \$1100 each	2,200	2,200
Salary of extra clerk to copy laws	300	
Salaries of emergency clerks, not to exceed \$100 per month each..	1,200	1,200
Salary of porter.....	480	480
Freight, postage, express, telegraphing and telephoning	2,400	2,400
Books and stationery....	600	600
Furniture, files and typewriter	300	300
Contingent expenses....	100	100
Total	\$14,880	\$14,580

Provided, that the head of the said Department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department. Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of State during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

STATE REVENUE AGENT.				
Salary of State Revenue Agent	\$2,000	\$2,000		
Traveling and other expenses	1,000	1,000		
Salary of office assistant and clerk	1,000	1,000		
Stationery, stamps and telegraphing	175	175		
Office furniture	100			
Total	\$4,275	\$4,175		
<p>Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Revenue Agent during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.</p>				
PUBLIC BUILDINGS AND GROUNDS.				
Salary of superintendent	\$1,500	\$1,500		
Salary of superintendent for looking after State's property outside of Austin	300	300		
Salary of bookkeeper	900	900		
Salary of engineer and electrician	1,200	1,200		
Salary of assistant engineer and electrician	900	900		
Salaries of six watchmen at \$60 per month	4,320	4,320		
Salary of one carpenter	900	900		
Salaries of two firemen, \$600 each	1,200	1,200		
Salary of one elevator man	720	720		
Salary of one plasterer	800	800		
Salaries of six cleaners, \$480 each	2,880	2,880		
Salary of one driver	480	480		
Salary of W. P. Zuber, guide in charge of paintings	480	480		
To purchase linoleum or carpets in the several departments of the State Capitol building and for cleaning and renovating carpets in said departments, to be expended in two years	2,000			
Labor and material on Capitol grounds, keeping cemetery and for headstones for Confed-				
erate and Texas Veterans in State cemetery	6,400	6,400		
Water, light, fuel, contingencies, and to purchase machinery	12,000	12,000		
Oil and waste for engines, dynamos, steam pumps, drawing paper and stationery	400	400		
Feed, for teams	175	175		
Tools	200	200		
Pipes and fittings	500	500		
Repairing and painting Capitol building and furniture in House and Senate	3,000	3,000		
For repairing furniture, curtains, etc., and renovating and refurnishing the Governor's reception rooms as the Superintendent of Public Buildings and Grounds may determine	500			
For the improvement, maintenance and care of the San Jacinto battlefield	15,000	15,000		
<p>In addition thereto the unexpended balance appropriated for this purpose by the Thirtieth Legislature; and from said appropriation shall be paid for traveling and other expenses of the Superintendent of Public Buildings and Grounds while in the performance of the duties imposed upon him by Chapter 48, Acts of the Thirtieth Legislature, Regular Session; and all drafts upon this appropriation made out in accordance with the provisions of said act shall be paid by the State Treasurer out of the appropriation hereby revived and extended.</p>				
<p>For bitulithic paving of the driveways within the State Capitol grounds, commencing at the south gates of such grounds and running to the terrace of the south Capitol walk of the State Capitol building or as near thereto as possible, ag-</p>				

gregating 4412 square yards at not exceeding \$2.25 per square yard, or so much thereof as may be necessary, and to be used within the next two years.....	9,927	
Provided, the Superintendent of Public Buildings and Grounds may use any other material equally as good and lasting as bitulithic paving.		
Total	\$53,182	\$40,755
<p>Provided, that the head of this Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the Superintendent shall keep an itemized account of the expenses of the Department and incorporate the same in his annual report. Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for public buildings and grounds during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.</p>		
DEPARTMENT OF BANKING AND INSURANCE.		
Salary of Commissioner.....	\$2,000	\$2,000
Salary of Commissioner as ex-officio Superintendent of Banking.....	500	500
Salary of Commissioner of Insurance and Banking as member of State Fire Rating Board	500	500
Salary of chief clerk.....	1,700	1,700
For salaries of two members of State Fire Rating Board, to be appointed by the Governor, \$2500 each.....	5,000	5,000
Salary of actuary.....	2,000	2,000
Salary of bank clerk.....	1,350	1,350
Salaries of two assistant bank clerks	2,400	2,400
Salary of stenographer..	1,200	1,200
Salary of certificate clerk	1,200	1,200
Salary of bookkeeper and general clerk	1,200	1,200
Salary of statistical clerk	1,200	1,200
Salary of stenographer for bank department..	900	900
Salary of porter.....	480	480
Expenses of Commissioner in enforcing insurance laws	1,500	1,500
Postage, stationery, telegraph and express.....	1,500	1,500
Rent of telephone.....	60	60
Binding annual statement of insurance companies	50	50
Publishing insurance laws, to be expended in two years	500	
Contingent expenses.....	100	100
Office furniture, including shelving and typewriters, to be expended in two years.....	1,000	
For compensation of necessary clerical and other assistants and necessary traveling or other expenses of the State Fire Rating Board in carrying out the provisions of the act creating it.....	4,500	4,500
For the payment of the salaries of State bank examiners and the traveling expenses of such examiners and of the Commissioner of Banking and Insurance in connection with banking matters, the proceeds of all fees for examinations of banking corporations collected under the law, or so much thereof as may be necessary; provided the Commissioner of Banking and Insurance is authorized upon the passage of this act to appoint the necessary bank examiners not to exceed one for each forty banks organized under the laws of this State.		
Total	\$30,840	\$29,340
<p>Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vaca-</p>		

tion or leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said Department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Banking and Insurance during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

TEXAS LIBRARY AND HISTORICAL COMMISSION.

Salary of Librarian.....	\$625.00	
Salary of assistant librarian...	500.00	
Salary of porter.....	150.00	
Shelving for State Library....	402.00	
Books for State Library.....	316.20	
Gathering historical data.....	308.55	
Subscriptions to newspapers and periodicals	50.00	
Binding and repair.....	100.00	
Stationery, library, supplies, postage, express and freight	100.00	
Traveling expenses	50.00	
Collecting and disseminating information about public libraries	50.00	
Telephone rent	20.00	
Contingent expenses	50.00	

Total\$2,721.75

Provided, that the appropriations made by the Thirtieth Legislature under the Department of Banking and Insurance for the maintenance of the State Library not heretofore expended shall not be available for any purpose, but shall revert back to the State Treasury, and the above amounts shall become immediately available upon the passage of this act.

TEXAS LIBRARY AND HISTORICAL COMMISSION.

Salary of Librarian.....	\$1,500	\$1,500
Salary of assistant librarian and cataloguer...	1,200	1,200
Salary of porter.....	480	480
Books for State Library	500	500
Gathering historical data	500	500
Subscriptions to newspapers and periodicals..	250	250
Binding and repair.....	400	400
Stationery, library supplies, postage and freight	250	250

Traveling expenses	100	100
Collecting and disseminating information about public libraries.	50	50
Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture; filing cabinets for legislative reference section; card catalogue cases; grating over windows in manuscript room; cases for Texas, Mexican and Confederate flags, the appropriation to be expended in two years.....	3,000	
Telephone rent	48	48
Contingent expenses, including typewriter ...	200	200
Total	\$8,328	\$5,378

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas Library and Historical Commission for the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

STATE TAX BOARD.

Salary of Tax Commissioner	\$2,500	\$2,500
Salary of bookkeeper, accountant and stenographer	1,200	1,200
Postage, express, telegraph and telephone..	125	125
Contingent expenses ...	100	100
Books and stationery...	125	125
Purchase of typewriter..	100	
Purchase of office furniture	100	
Total	\$4,250	\$4,050

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness vacation or leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein ap-

appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Tax Board during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

STATE PURCHASING AGENT.

Salary of State Purchasing Agent	\$2,000	\$2,000
Salary of chief clerk	1,200	1,200
Salary of assistant clerk	900	900
Salary of porter	300	300
Contingent expenses	500	500
Total	\$4,900	\$4,900

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said Department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Purchasing Agent during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

Further provided, that the State Purchasing Agent shall advise the financial agent of the State penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, of the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement, calling for bids by registered mail, to the financial agent of the penitentiary at Huntsville.

PUBLIC PRINTING.

First, second and third class printing and binding, and for printing papers of first, second and third class public printing	\$25,000	\$25,000
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Printing and binding Texas Reports, Texas Civil Appeals Reports and Texas Criminal Reports	4,500	4,500
Salary of expert printer and secretary of printing board	1,500	1,500
Salary of one assistant and bookkeeper	1,000	1,000
For advertising State business	500	500
Telephone rent, postage, stationery and files	150	150
Total	\$32,650	\$32,650

Provided, that all stationery for the various departments and institutions shall be ordered through the State Expert Printer.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for public printing during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

BUREAU OF LABOR STATISTICS.

Salary of Commissioner	\$2,000	\$2,000
Salary of clerk	1,200	1,200
Postage and stationery	100	150
Office furniture	150	100
Traveling expenses	500	500
Total	\$3,900	\$3,900

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Bureau of Labor Statistics during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

ADJUTANT GENERAL'S DEPARTMENT.

Salary of Adjutant General	\$2,000	\$2,000
Salary of Assistant Adjutant General, who shall be chief clerk	1,200	1,200
Salary of Assistant Ad-		

Adjutant General for ex-officio duties in assisting surviving State troops or rangers, or their surviving wives, who served during the period from February 28, 1855, to December 31, 1860, on the frontier of Texas against the Indian depredations and Mexican marauders, in making title to pensions under the Act of Congress, approved May 30, 1908.....	300	300	Rent and maintenance of armories and purchase of armory equipment..	10,000	10,000
Salary of Quartermaster General	1,500	1,500	Total	\$60,455	\$49,380
Salary of assistant clerk and stenographer	1,000	1,000	Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.		
Salary of porter, messenger and armorer.....	480	480	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Adjutant General's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.		
Stationery, postage, telegraphing and telephoning	600	600	TEXAS STATE BOARD OF HEALTH.		
Ranger force in the suppression of lawlessness and crime	25,000	25,000	Salary of president.....	\$2,500	\$2,500
Payment of transportation and subsistence for the Texas National Guard when called into actual service under the law, and for such other military expenses incident thereto	5,000	5,000	Salary of Board and mileage or so much thereof as may be necessary..	3,200	3,200
For labor in arsenal and storeroom, repair of arms and equipment, laundry and repair of uniforms in storeroom, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards	2,500	2,500	Salary of Assistant Health Officer	2,400	2,400
Payment of transportation and subsistence of the Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses, to be used in two years..	20,000		Salary of Registrar of Vital Statistics	1,800	1,800
Office files	100	100	Salary of chemist.....	1,800	1,800
Purchase of one typewriter	75		Salary of stenographer and bookkeeper	1,200	1,200
			Salary of filing and index clerk and general clerk	600	600
			Salary of quarantine officer at Galveston, \$200 per month	2,400	2,400
			Salary of assistant quarantine officer at Galveston	1,500	1,500
			Salary of engineer on launch at Galveston, \$75 per month.....	900	900
			Salary of disinfecter at Galveston, \$60 per month	720	720
			Salaries of two assistant disinfectors at Galveston, seven months, in each year, \$420 each..	840	840
			Salary of captain on disinfecting vessel at Galveston, \$100 per month	1,200	1,200
			Salary of engineer on disinfecting vessel at Galveston, \$100 per month	1,200	1,200

Salaries of two deck hands on disinfecting vessel at Galveston, \$720 each	1,440	1,440	Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month	1,800	1,800	Salary of boatman at Pass Cavalla, when actually engaged in service, at \$50 per month for twelve months....	600	600
Salary of one disinfecter at Sabine Pass at \$60 per month	720	720	Salary of quarantine inspector at El Paso, while engaged in actual services for State, at \$150 per month	1,800	1,800	Salary of quarantine inspector at Eagle Pass when actually engaged in service, at \$150 per month	1,800	1,800
Salary of one boatman at Sabine Pass at \$50 per month	600	600	Salary of quarantine inspector at Laredo when actually engaged in service, at \$150 per month	1,800	1,800	Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Cavalla, Brownsville, Laredo, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property, for each year	12,000	12,000
Salary of engineer at disinfecting plant at Sabine Station, at \$75 per month	900	900	Salaries of two boatmen at Brownsville, when actually engaged in service, at \$50 per month for six months.	600	600	Miscellaneous	2,000	2,000
Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month	1,800	1,800	Salary of one mounted guard at the mouth of the Rio Grande, for seven months, at \$75 per month	525	525	Total	\$58,495	\$56,495
Salaries of two boatmen at Brownsville, when actually engaged in service, at \$50 per month for six months.	600	600	Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month for twelve months	1,800	1,800	Provided, the State Board of Health is hereby authorized to use not to exceed \$30,000 of the funds collected as fees at Galveston Quarantine Station, now to the credit of the quarantine fee fund, for the purpose of erecting and equipping a hospital for the isolation of contagious and infectious diseases, such hospital to be located on State property at Galveston.		
Salary of boatman at Aransas Pass when actually engaged in service, at \$50 per month.	600	600	For erecting house at Aransas Pass for quarantine officer	2,000				
Salary of quarantine guard at Corpus Christi, to be under the supervision of the quarantine officer at Aransas Pass, said guard to furnish his own boat and supplies, at a salary of \$75 per month for six months	450	450	Salary of quarantine officer at Velasco, for twelve months, at \$150 per month, when actually engaged in service	1,800	1,800	Provided, that the President of said board may abolish such positions as are herein set forth if, in his judgment, the same are not necessary for the pro-		
Salary of boatman at Velasco, for six months, at \$50 month, when ac-								

tection of the public health, or he may require the quarantine officers to perform such other work in his department as he may think best for the interest of the public health.

Provided, that the President of said board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended, and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Texas State Board of Health during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

FISH AND OYSTER COMMISSION.

Salary of Commissioner..	\$1,800	\$1,800
Office rent, traveling expenses, and other expenses of Commissioner	600	600
Stationery	50	50
To establish and maintain a fish hatchery, provided same be paid out of the revenues of this department, to be expended in two years, \$5000.		
To pay balance on boat purchased by the Commissioner, to be paid out of the revenues of the department, \$200.		
Total	\$2,450	\$2,450

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Fish and Oyster Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further,

that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

LIVE STOCK SANITARY COMMISSION.

To pay per diem and expenses of three commissioners	\$2,000	\$2,000
To pay inspectors at \$75 per month while in actual service	10,500	10,500
To pay one veterinary surgeon	1,200	1,200
Salary of bookkeeper and stenographer	900	900
To pay rent, stationery and other expenses....	400	400
Total	\$15,000	\$15,000

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Live Stock Sanitary Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

STATE MINING BOARD.

Per diem, or so much thereof as may be necessary	\$1,050	\$1,050
Traveling expenses for board	250	250
Salary of State Mine Inspector	2,000	2,000
Traveling expenses for Inspector	500	500
Total	\$3,800	\$3,800

Provided, that the amounts herein appropriated for the items as stated herein, and no more, shall be paid out of the general revenue for the State Mining Board during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

PURE FOOD COMMISSION.

Salary of Commissioner..	\$2,000	\$2,000
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Salary of deputy commissioner	1,200	1,200
Salary of stenographer..	600	600
Salary of one inspector..	1,200	1,200
Office and laboratory supplies	600	300
Stamps and stationery..	250	250
Cost of samples.....	500	500
Traveling and other expenses	1,800	1,800
Total	\$8,150	\$7,850

Provided, that the head of said Department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Pure Food Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

ATTORNEY GENERAL'S DEPARTMENT.

Salary of Attorney General	\$2,000	\$2,000
And the further sum each year, or so much thereof as may be necessary to pay such fees as may be prescribed by law	2,000	2,000
Salary of first assistant	2,500	2,500
Salary of second assistant	2,000	2,000
Salary of third assistant	2,000	2,000
Salary of fourth assistant, who shall assist the Attorney General in enforcing anti-trust laws	2,500	2,500
Salary of fifth assistant	2,000	2,000
Salary of stenographic clerk	1,200	1,200
Salary of recording clerk and bookkeeper, who shall also discharge the duties of stenographic clerk	1,300	1,300
Stationery, postage, telegraphing, telephoning, express and furniture	1,000	1,000
Law books and periodicals	500	500

Salary of porter.....	480	480
Furniture, typewriters and fittings, to be expended in two years..	500	
Actual traveling expenses incurred by Attorney General or any of his assistants in giving attention to the State's business pending elsewhere than in the courts in the city of Austin, vouchers to be made upon official certificate	1,000	1,000
Contingent expenses....	100	100
For certified costs of depositions, and securing evidence and documents necessary to the preparation of causes.	750	750
Costs in civil cases in which the State of Texas or any head of a department is a party.	3,000	3,000
For the enforcement of the anti-trust laws and laws concerning corporations, and procuring evidence, and conducting and prosecuting suits by the Attorney General and special counsel to be employed under the direction of the Governor, to be paid out on warrants issued by the Comptroller ordered by the Governor and Attorney General, to be expended in two years.....	10,000	
Total	\$34,830	\$24,330

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item, as stated herein, and no more, shall be paid out of the general revenue for the Attorney General's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF EDUCATION.		
Salary of State Superintendent	\$2,500	\$2,500
Salary of chief clerk....	1,700	1,700
Salary of law and certificate clerk	1,350	1,350
Salary of statistical clerk	1,220	1,220
Salary of auditing and apportionment clerk...	1,220	1,220
Salary of stenographic, filing and general clerk	1,200	1,200
Salary of mailing and blank room clerk.....	1,000	1,000
Salary of general assistant clerk	1,200	1,200
Salaries of two clerks for three months, July, August and September, at \$100 per month each	600	600
Salary of porter.....	480	480
Actual traveling expenses of State Superintendent or his representative when on official duty	500	500
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets	1,500	1,500
Express, freight, telegraphing, telephoning.	750	750
Contingent expenses	150	150
Paper, printing and distributing county superintendent's record books, county and independent school district, treasurers' report books, teachers' daily registers, school laws, examination questions, teachers', superintendents' and treasurers' blank reports, census blanks, courses of study, circulars to school officers and teachers, and other blank forms for the use of teachers and other school officers, or for the advancement of the cause of education	6,000	6,000
For support of public free schools for two years all the available free school fund arising from the interest on lease of school lands, interest on bonds, school taxes,		

and all other sources
of revenue to said fund

Total\$21,370 \$21,370

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Education during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

TREASURY DEPARTMENT.

Salary of Treasurer.....	\$2,500	\$2,500
Salary of chief clerk....	2,000	2,000
Salaries of three assistant clerks at \$1500 each	4,500	4,500
Salary of depository, file and bond clerk	1,200	1,200
Salary of stenographer and general assistant clerk	1,200	1,200
Salary of night watchman	800	800
Salary of porter.....	480	480
Books, stationery, furniture and postage.....	1,500	1,000
Keeping in repair time locks, combinations, vaults and office furniture and files.....	150	150
Contingent expenses	300	300
To pay express charges, and to pay the charges on postoffice and express money orders upon money due the State as interest or principal due on bonds held by the State where the bonds are payable at any other point than Austin, Texas, and to pay express charges to place money in the city of New York for the payment of interest on State bonds payable in		

said city, and to pay
exchange to and from
depositories 300 300

Total\$14,930 \$14,430

To refund to purchasers and to lessees of public domain, public school, university or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury, or to the Attorney General, if in any of the following instances: (a) Through error made in good faith, to be supported by the official certificate of the State Treasurer or of the Attorney General, to whom such payment is made; (b) where the payment is made in accordance with law, but title cannot issue or possession cannot pass because of conflict in boundaries, erroneous sale, erroneous lease, or other causes; (c) in cases of sales out of leased lands; (d) where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payment to State Treasurer; (g) where a reduction has been made in acreage of timber sold or of lands sold or leased; (h) in cases of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county, the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been or may be credited, and all claims for refund or payment, except those embraced in subdivision (a) hereof to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the State Treasurer or the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claim and to whom due; provided that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person

upon whom the loss falls in case of failure of title or right of possession, \$25,000 each year.

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the Treasury Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911; and no surplus shall be diverted from one account to another account; provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record be incorporated in the report made annually by the head of said department.

COMPTROLLER'S DEPARTMENT.

Salary of Comptroller.....	\$2,500	\$2,500
Salary of chief clerk....	1,800	1,800
Salary of chief book-keeper	1,550	1,550
Salary of assistant book-keeper	1,300	1,300
Salaries of two corresponding clerks, at \$1200 each	2,400	2,400
Salaries of two sheriffs', clerks', witnesses' and attorneys' accountants	2,600	2,600
Salary of assistant sheriffs', clerks', witnesses' and attorneys' accountant	1,100	1,100
Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller	1,140	1,140
Salary of clerk for registering county and city bonds	1,140	1,140
Salary of general warrant clerk	1,300	1,300
Salary of assistant warrant clerk	1,100	1,100
Salary of school and special warrant clerk....	1,300	1,300
Salary of bookkeeper in warrant department..	1,250	1,250
Salary of chief tax clerk	1,350	1,350
Salary of assistant tax clerk	1,200	1,200
Salary of assistant special tax clerk	1,100	1,100

Salary of redemption clerk	1,300	1,300	Provided, that the head of said department keep a record of the absences of the various employes and the reason therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.		
Salary of assistant redemption clerk	1,100	1,100			
Salary of examining clerk	1,350	1,350			
Salary of assistant examining clerk	1,100	1,100			
Salary of auditing clerk	1,275	1,275			
Salary of assistant auditing clerk	1,100	1,100	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Comptroller's Department during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor warrants issued nor obligations incurred in excess of the amounts herein appropriated.		
Salary of assistant pension clerk	1,200	1,200			
Salary of one unorganized county tax clerk	1,100	1,100			
Salary of deposit, warrant and general clerk	1,140	1,140			
Salary of mailing and file clerk	1,100	1,100			
Salary of assistant mailing and file clerk	1,100	1,000	Provided further, that the appropriations made for the Comptroller's Department, as above set out, are subject to Chapter 31 of the Acts of the Thirtieth Legislature.		
Salary of general warrant and register clerk	1,100	1,100			
Salary of cancellation of erroneous assessments clerk	1,100	1,100			
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller	1,000	1,000			
Salary of clerk to assist Comptroller in carrying out the provisions of the law regulating the sale of intoxicating liquors and to perform such other duties as may be required of him	1,500	1,500			
To pay traveling expenses in securing depositions necessary under this item	500	500	GENERAL LAND OFFICE.		
Salaries of twelve assistant clerks at \$1,100 each	13,200	13,200			
Salary of messenger and file clerk	480	480	Salary of Commissioner	\$2,500	\$2,500
Salaries of two porters, \$480 each	960	960	Salary of chief clerk	1,800	1,800
Postage, telegraphing, express and office furniture	4,300	4,300	Salary of assistant chief clerk	1,400	1,400
Books and stationery	1,250	1,250	Salary of legal examiner	1,500	1,500
Contingent expenses	150	150	Salary of receiver	1,350	1,350
Traveling expenses of Comptroller or his representatives when necessary to check up tax collectors' accounts, or on official business	150	150	Salary of head transcript clerk	1,200	1,200
One adding machine	375		Salary of one assistant transcript clerk	1,200	1,200
			Salary of one assistant transcript clerk	1,150	1,150
			Salary of head patent clerk	1,200	1,200
			Salary of assistant patent clerk	1,200	1,200
			Salary of head examining file clerk	1,300	1,300
			Salary of assistant examining file clerk	1,100	1,100
			Salary of one file and transfer clerk	1,100	1,100
			Salary of custodian of files and file room clerk	1,200	1,200
			Salary of letter register clerk	1,100	1,100
			Salary of letter index clerk	1,100	1,100
			Salary of abstract clerk	1,200	1,200
			Salaries of corresponding clerks, nine at \$1,200 each	10,800	10,800
			Salary of Spanish translator	1,140	1,140
			Salary of chief draftsman	1,600	1,600
			Salaries of five compiling		
Total	\$63,060	\$62,685			

draftsmen at \$1,400 each	7,000	7,000
Salaries of six assistant draftsmen at \$1,200 each	7,200	7,200
Salary of old title deposition clerk	1,200	1,200

School Land Department.

Salary of chief clerk...	1,500	1,500
Salary of head sales clerk	1,350	1,350
Salary of assistant sales clerk	1,200	1,200
Salary of scrap land sales clerk	1,200	1,200
Salary of award clerk...	1,200	1,200
Salary of assistant award clerk	1,200	1,200
Salary of chief bookkeeper	1,400	1,400
Salaries of three general clerks at \$1,200 each..	3,600	3,600
Salaries of three assistant bookkeepers at \$1,300 each	3,900	3,900
To employ additional clerical help to be used in two years.....	7,500	
Salary of head lease clerk	1,200	1,200
Salaries of two field agents at \$1,300 each..	2,600	2,600
Salary of night watchman	600	600
Salary of janitor.....	600	600
Expenses of two field agents	2,000	2,000
Stationery, books, express, furniture and postage.	4,300	4,300
Contingent expenses	200	200
Wood, water and ice....	300	300
Telegraphing, telephoning, towels and laundry...	150	150
Repairs to fixtures and furniture	50	50
Repairs to building, matting	200	200
Vellum, blue print, drafting instruments and map machine	2,000	1,500
To purchase one adding machine	450	
Typewriting machines, materials and repairs, provided that the old machines may be exchanged in part payment for new ones....	250	250
For surveying, under the provisions of Section 147 of the General Laws of the Thirtieth Legislature, to be expended in two years..	15,000	
Traveling expenses for		

Commissioner or an employe under his instructions	500	500
Total	\$105,990	\$82,540

Provided, that it shall be the duty of the Commissioner to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the General Land Office during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, or obligations incurred in excess of the amounts herein appropriated.

RAILROAD COMMISSION.

Salaries of three Commissioners	\$12,000	\$12,000
Salary of secretary	1,700	1,700
Salary of one rate clerk	1,500	1,500
Salary of one general clerk	1,200	1,200
Salary of one general clerk	1,200	1,200
Salary of one expert accountant	2,700	2,700
Salary of one assistant expert accountant and rate clerk	1,800	1,800
Salary of one expert rate clerk	2,700	2,700
Salary of one assistant rate clerk	2,500	2,500
Salary of civil engineer	3,000	3,000
Salary of stenographer	900	900
Salary of porter	480	480

For contingent expenses, sheriffs' fees, transportation of clerks and commissioners when necessary, furniture, fixtures, and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs and for

other necessary ex-		
penses	6,500	6,500
Total	\$38,180	\$38,180

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Railroad Commission during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

DEPARTMENT OF AGRICULTURE.

Salary of Commissioner.	\$2,500	\$2,500
Salary of chief clerk....	1,500	1,500
Salary of stenographer and typewriter	1,200	1,200
Salary of porter.....	480	480
Furniture (desks, chairs, tables and files).....	250	250
Stationery, postage, express and telegraphing	1,500	1,500
Telephone rent	48	48
Traveling expenses	600	600
Collecting, compiling and disseminating agricultural information	12,000	12,000
Enforcing nursery and orchard inspection law, to be spent in two years	5,000	
Contingent expenses	100	100
Conducting farmers' institute work	5,000	5,000
Total	\$30,178	\$25,178

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence; and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Department of Agriculture during the fiscal years

beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

UNIVERSITY OF TEXAS.

For the maintenance support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the years beginning September 1, 1909, and ending August 31, 1911, and the available university funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected, and all receipts whatsoever from any source.

For the maintenance, support and direction of the University of Texas for the two years beginning September 1, 1909, and ending August 31, 1911, from the general revenue

\$240,000	\$240,000
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Provided, that the above appropriation out of the general revenues for the support and maintenance of this institution is made upon the expressed condition that the Board of Regents of the University of Texas shall use a sufficient amount of the available funds of the University for the purpose of building a heating plant and a library building and may erect a chemical laboratory building at Galveston and to make such repairs for the Medical Department at Galveston as the Board of Regents may deem proper and necessary.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another ac-

count; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

MEDICAL DEPARTMENT AT GALVESTON.

For the maintenance, support and direction of the Medical Branch, including repairs and improvements, all the interest from endowments or donations, all gifts and fees collected from students and all receipts whatsoever from any source, and in addition thereto from the general revenue.....\$55,000 \$55,000

Provided, that the Board of Regents of the University of Texas shall use \$5000 out of the fees collected from students attending this institution for the purpose of repairing the Medical building at Galveston.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Medical Department at Galveston during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

AGRICULTURAL AND MECHANICAL COLLEGE.

For maintenance.....\$50,000 \$50,000
Steam plant, operating expenses.....6,000 6,000
Agricultural department.....1,000 1,000
Mechanical engineering department.....900 900
Horticultural department and equipment.....1,000 1,000
Veterinary department.....500 500
Animal husbandry department.....750 750
Physics department and electrical engineering.....900 900
Botanical department.....300 300
Entomological department.....750 750
Apiary and insectary.....800 800
For the purpose of employing by the State

Entomologist, local assistants in different parts of the State whose duties shall be to inspect apiaries and to treat foul brood, and all other contagious diseases of honey bees; provided that in case the State Entomologist can not secure a local assistant he may act in person and in such case his actual traveling expenses shall be paid out of this appropriation... 3,000 2,000
Civil engineering department.....1,000 1,000
Agricultural engineering department.....500 500
Chemical department... 1,500 1,500
Care of grounds and roads.....1,000 1,000
Fuel.....2,000 2,000
President's fund, including postage, telegrams, telephone, publishing catalogues and circulars.....4,000 4,000
Publishing bulletins... 1,000 1,000
For hog cholera, serum experiments.....1,000 1,000
Student labor.....7,000 7,000
For support and maintenance of Troupe experimental station... 3,500 3,500
For support and maintenance of Beeville experimental station... 3,500 3,500
Provided, that all the proceeds from the sale of all farm and dairy products of all the experimental stations, established and to be established, shall be paid into the State Treasury and become a part of the general revenue of the State.
Textile school.....750 750
Board's expenses.....500 500
Repairs to buildings only.....7,500 7,500
One dormitory, complete and equipped, to be known as "Willacy Hall".....60,000
To build five cottages for professors, to be expended in two years 10,000
Live stock, to be expended in two years.. 2,500

Civil engineering department, equipment.	2,000	2,000
Chemical department, addition to building	500	
Electrical engineering department, equipment	4,000	2,000
Library, books and periodicals	600	600
Rewiring building	2,000	
To complete basement of dormitory erected by authority of the Thirtieth Legislature.	2,500	
For installing a central heating plant	15,000	10,000
Total	\$100,750	\$114,250

Provided, that the director of experimental stations shall reside at College Station.

Provided, that in addition to the above, the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby appropriated for the support of this institution; provided further, that the Board of Directors of the Agricultural and Mechanical College of Texas shall include in their report the number of and the salaries of the faculty and employees of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions, in the same manner as the law requires the Board of Regents to report the salaries and number of the faculty and employees and the receipts of the University of Texas.

Provided, that all the net proceeds of the sale of farm and dairy products, surplus stock and worn out property shall be paid into the State Treasury and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid; second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statement shall show what disposition is made of said fund, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasurer.

Provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Ag-

ricultural and Mechanical College during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PRAIRIE VIEW NORMAL (COLORED)

Maintenance and support	\$8,750	\$8,750
Scholarships, one student to be appointed by each Senator and Representative	8,750	8,750
Agricultural and mechanical department	2,500	2,500
Female industrial department	800	800
Library and laboratory	750	750
Stationery, postage and printing	300	300
Improvements on grounds and roads	500	500
Repairs and painting	2,000	2,000
Furniture for dormitories	500	500
Student labor	1,000	1,000
Fences and bridges	500	500
Steam plant, running expenses	500	500
To erect two new cottages for teachers	1,500	
Completing sewer and water system	3,000	
For purchase of fire apparatus, including hose, cart, pump, etc., to be used in two years	500	
To purchase one typewriter for the superintendent	75	
Purchase of laundry machinery and extension of laundry building, to be used in two years	600	
To purchase broom, shoe and hat material, to be used in two years	200	
To erect and equip one dormitory, complete	20,000	
Dairy herd, to be expended in two years	500	
Total	\$53,225	\$20,850

Provided, that the receipts from the sales of farm and dairy products, surplus stock and worn out property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the

general revenue for the Prairie View Normal during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

GIRLS' INDUSTRIAL COLLEGE.

Salary of president.....	\$3,000	\$3,000
Maintenance and support, salaries of teachers	23,000	26,500
For student labor.....	1,000	1,000
For printing bulletins and catalogues	500	500
Stationery and postage..	250	250
Telephone, telegraph, small printing and office supplies	500	500
Materials and supplies for the several departments, brushes, brooms, toilet supplies, chemicals, practice materials	500	500
Support of summer school for industrial instruction, salaries of teachers and supplies.	1,000	1,000
Light, heat, power, coal, wood, gasoline and electricity	1,250	1,250
Library, books and periodicals	300	300
Inside improvements and repairs; toilet latrines, additions to radiators, plumbing, lunch counter, closets and shelving	1,000	1,000
Department funds, for purchase of apparatus, cases, charts, specimens and models.....	1,250	1,250
Outside improvements and repairs; fences, sheds, painting, tool house, shade trees, sidewalks, grading, fertilizer and wagon shed	1,000	1,000
Labor needed in developing and properly attending to grounds, stock and orchard.....	750	750
Horses and implements for use on place.....	100	100
Dairy, feed, silo and milk cans and poultry feed.	350	350
Greenhouse; seeds, plants, pots, work tables and implements	100	100
Athletic grounds; grad-		

ing and preparing ground and fixing equipment for tennis, basket ball and open air calisthenics.....	75	75
President's traveling expenses; institutes and lectures	50	50
Regents' fund; for expenses of attending meetings and auditing books	500	500
To erect and equip an additional wing to the main college building (complete)	50,000	
Water works, including sewerage, hydrants, cisterns and connections	500	500
Commencement expenses; programs, invitations and rentals	100	100
Repairs, for buildings only	2,000	2,000
Additional equipment for hospital	750	
For removing and installing a heating plant, including building	7,500	
Contingent expenses	750	750
Total	\$98,075	\$43,325

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Girls' Industrial College during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

SAM HOUSTON NORMAL INSTITUTE

For support and maintenance	\$30,000	\$30,000
Scholarships	17,500	17,500
For library, apparatus, repairs, equipment and improvement	3,000	3,000
For the construction of a building for the teaching of agricultural and industrial arts (complete)	20,000	
Equipment for said building	5,000	
Total	\$75,500	\$50,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Sam Houston Normal Institute during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made or any appointment made and the appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

NORTH TEXAS STATE NORMAL.

For support and maintenance	\$30,000	\$30,000
Scholarships	17,500	17,500
For library, apparatus, repairs, equipment and improvement	3,000	3,000
For the construction of a science building	35,000	
Equipment for science building	5,000	
Installing sewerage.....	2,000	
Total	\$92,500	\$50,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas Normal during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made or any appointment made and the appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

SOUTHWEST TEXAS NORMAL SCHOOL.

Support and maintenance	\$30,000	\$30,000
Scholarships	17,500	17,500

For library, apparatus and equipment	3,000	3,000
Library building and equipment	15,000	
To purchase land adjoining the San Marcos school, to be approved by the Governor.....	1,500	
Total	\$67,000	\$50,500

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwest Texas Normal School during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made, or any appointment made and appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

WEST TEXAS NORMAL SCHOOL.

Scholarships	\$17,500
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Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the West Texas Normal School during the fiscal year ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided further, that each Senator and Representative may appoint two students to said normal school; and provided further, that any appointment not made, or any appointment made and appointee failing to attend said school, that portion of said fund shall revert to the State Treasury.

In addition to the appropriations made by this act for the support of the several State normals, the Board of Education is hereby authorized to direct and to permit each of such normals to collect from each student attending the same for each year an incidental fee not to exceed the sum of \$10 and shall direct how the same may be applied.

Provided, that the State Board of Education shall direct the principals of these normal schools to arrange a course of study so that hereafter the same courses of study shall be used in each of said normals.

SUPREME COURT.

Salary of three Judges	\$12,000	\$12,000
Salary of clerk	2,500	2,500
Salary of Supreme Court reporter	3,000	3,000
Salary of assistant Supreme Court reporter	3,000	3,000
Salary of stenographer and law clerk	1,500	1,500
Salary of marshal, who shall be appointed by the Chief Justice, whose duty it shall be to attend the sessions of the Supreme Court, to preserve order and execute its processes, and to act as assistant librarian and to keep the library open from 8 a. m. to 12 m., and from 1 p. m. to 5 p. m., except Sundays and holidays	1,000	1,000
Salary of porter for court room, library and clerk's room	480	480
Salary of porter for consultation room	480	480
Record books, stationery, furniture, typewriters and book cases	600	600
Postage and express	150	150
Purchase of books for Supreme Court library, and consultation room, and for binding books to be selected by the Chief Justice	1,500	1,500
Contingent expenses	200	200
Total	\$26,410	\$26,410

Provided, that it shall be the duty of said clerk, on the first Monday of July, October, January and April of each year, to make a report to the Comptroller, showing the amount of such fees collected each year, giving the number of cases, but not necessarily the style of the case, together with the fees from other sources, stating in each instance the source. The reports shall also show the amounts paid for the service of the deputy clerk or clerks, as the case may be, and also the probable amount necessary to pay the salaries of the deputies for the ensuing quarter, which amount

may be retained by the clerk. The report shall be accompanied by the receipt or receipts of the State Treasurer for any balance that may remain after deducting from the amounts received the amounts to be paid out and so retained.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Supreme Court during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CRIMINAL APPEALS.

Salaries of three judges	\$12,000	\$12,000
Salary of stenographer and bailiff for court	1,200	1,200
Salary of stenographer for court	1,200	1,200
Salary and fees of the Assistant Attorney General	3,000	3,000
Salary of Court of Criminal Appeals reporter	3,000	3,000
Salary of clerk of Court of Criminal Appeals	2,500	2,500
Salary of deputy clerk of Court of Criminal Appeals	2,000	2,000
Salary of porter	480	480
Postage	200	200
Law books to be selected by the presiding judge	400	400
Record books and stationery	400	400
Telegraphing and contingent expenses for the Assistant Attorney General	50	50
Contingent expenses	200	200
File cases	250	
Telephone	48	48
For rebinding books	150	
To pay for the removal of any and all property, records, books, etc., of the State of Texas at Tyler and Dallas, pertaining to the Court of Criminal Appeals, which has not been sold as provided for by law	250	
Total	\$27,328	\$26,678

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Criminal Appeals during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIRST DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Books for law library..	500	500
Postage and box rent..	150	150
Record books and stationery	200	200
Furniture and typewriter	200	100
Contingent expenses...	100	100
Fuel, light and ice....	200	200
Total	\$13,210	\$13,110

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, First District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created; nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SECOND DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer..	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Postage and box rent..	150	150
Record books and stationery	200	200
Telephone and ice....	100	100
Books for law library..	500	500
Contingent expenses...	100	100
Purchase of new typewriter, furniture, book cases and carpets....	600	
Total	\$13,510	\$12,910

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of

the general revenue for the Court of Civil Appeals, Second District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, THIRD DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Books for library and consultation room ...	500	500
Record books and stationery	200	200
Postage and box rent..	150	150
Ice, telegraphing, telephoning and express..	75	75
Contingent expenses....	100	100
Total	\$12,885	\$12,885

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Third District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FOURTH DISTRICT.

Salaries of three judges.	\$10,500	\$10,500
Salary of stenographer.	900	900
Salary of bailiff.....	100	100
Salary of porter.....	360	360
Postage and box rent..	150	150
Record books and stationery	200	200
Books for library.....	500	500
Telephone, express and ice	100	100
Contingent expenses...	100	100
Furniture	100	100
Total	\$13,010	\$13,010

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fourth District, during the fiscal years beginning September 1, 1909,

and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, FIFTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer	900	900
Salary of bailiff	100	100
Salary of porter	360	360
Record books and stationery	200	200
Books for library	500	500
Postage and box rent	150	150
Contingent expenses	100	100
Telephone and ice	100	100

Total\$12,910 \$12,910

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Fifth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

COURT OF CIVIL APPEALS, SIXTH DISTRICT.

Salaries of three judges	\$10,500	\$10,500
Salary of stenographer	900	900
Salary of bailiff	100	100
Salary of porter	360	360
Record books and stationery	300	200
Postage and box rent	150	150
Books for library	750	500
Contingent expenses	100	100
Telephone, ice, fuel, light and express	200	200

Total\$13,360 \$13,010

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Court of Civil Appeals, Sixth District, during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

JUDICIARY.

Salaries of sixty-nine district judges	\$207,000	\$207,000
Salaries of forty-four district attorneys	22,000	22,000
Salary of one criminal district attorney	500	500
Salary of assistant district attorney, Bexar county	2,000	2,000
Salaries of two district judges of criminal courts	6,000	6,000
Fees and costs of sheriffs, clerks and attorneys in felony cases	310,000	310,000
Expenses of attached witnesses	170,000	170,000
Fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials	37,000	37,000
To pay special judges	4,000	4,000
To pay costs and officers' fees in cases of escheated estates, including such cases in which such costs and fees have already accrued and are owing by the State	100	100

Total\$758,600 \$758,600

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

STATE ORPHANS' HOME.

Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing	\$1,500	\$1,500
Salary of matron	540	540
Salary of industrial manager	1,250	1,250
Salaries of seven teachers	2,520	2,520
Salaries of one assistant		

matron and four ward nurses	1,380	1,380	For repairing, stuccoing and painting, plastering, calcimining and painting buildings, filling basement, renewing floors, ceilings, lavatories, sinks and baths, and for renewing sewerage plant, to be expended in two years..	15,000
Salary of physician, not to live at the Home..	600	600	Provided, that not less than \$1500 of said sum shall be used for improving the hospital, and the board of managers are hereby authorized to locate the hospital in such building as in their judgment may be deemed best.	
Salaries of three cooks..	600	600		
Salary of baker.....	300	300		
Salary of dining room and dairy woman....	240	240		
Salaries of three laundresses	600	600		
Salaries of farm laborers and gardeners....	600	600		
Salary of night watchman	360	360		
Salary of trained nurse in hospital	600	600		
Salaries of three seamstresses	720	720		
Salary of engineer, electrician and plumber...	900	900		
Salary of instructor in shoe shop	360	360		
Salary of instructor in mattress and broom factory	600	600	Total	\$74,180 \$51,780
Salary of carpenter and blacksmith, not to live at the Home.....	600	600	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Orphans' Home during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.	
Salary of storekeeper and accountant	800	800	Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphans' Home the remainder of the appropriation to be paid out of the general revenue.	
Material for broom factory	500	500	Provided, that all proceeds of sale of all products raised or manufactured at the State Orphans' Home shall be turned into the State Treasury.	
Machinery for broom factory		250		
Fuel	3,500	3,500		
Postage and stationery..	250	250		
School and kindergarten supplies	500	500		
Transportation	250	250		
Telephone rent	150	150		
Literature for reading room and Sunday school	150	150		
Fencing material and building tank	200	200		
Machinery for laundry..		250		
Material for carpenter and blacksmith shop..	150	150		
Material and work for plumbing and electric lights	300	300		
Renewing and repairing heating plant to be expended in two years.	4,000			
Purchasing brick and building walks	400			
Purchasing mules and vehicles	400	200		
Purchasing orchard and forest trees	300			
Purchasing and placing new boilers	2,400			
Installing cisterns and water supply	600			
General maintenance ...	30,000	30,000		
			CONFEDERATE HOME.	
			Salary of superintendent, with provisions for himself and family, not to exceed \$500 per year, and fuel, lights, water and housing...	\$1,500 \$1,500
			Groceries, fuel, lights, water, feed, including pay for monthly meetings of board of managers, burial of the dead and compensation of chaplain	45,000 45,000
			Salary of surgeon	1,500 1,500
			For treatment of ear, eye and nose	300 300

Salary of storekeeper and accountant, who shall be bookkeeper	900	900	laundry supplies	500	500
Salary of matron	480	480	For dental work	500	500
Salary of apothecary	600	600	Total	\$90,228	\$80,728
Salary of chief cook	550	550	Provided, that the board of managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the home, and apply the proceeds to the needs of said home.		
Salary of baker	400	400	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Confederate Home during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.		
Salaries of two assistant cooks, at \$240 each	480	480	Provided, that the head of said institution keep a record of the absences of the various employes, whether from sickness, vacation or on leave of absence, and that said record of such absences be incorporated in the report made annually by the head of said department.		
Salary of chief waiter	300	300	BLIND INSTITUTE.		
Salaries of nine waiters, at \$180 each	1,620	1,620			
Salary of chief cook at hospital	540	540	Salary of superintendent, provided he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salary of assistant cook at hospital	240	240	Salary of oculist	900	900
Salary of stewardess at hospital	480	480	Salary of medical attendant	600	600
Salary of one trained nurse (male)	480	480	Salary of storekeeper and accountant, with board	900	900
Salary of assistant nurse	420	420	Salary of matron, with board, for twelve months	600	600
Salaries of two night nurses	720	720	Salary of assistant matron, with board, for nine months	450	450
Salaries of six day nurses	1,728	1,728	Salary of principal	1,350	1,350
Salaries of two hospital waiters	400	400	Salary of teacher, junior grade for boys	900	900
Salary of one barber	360	360	Salary of teacher, junior grade for girls	900	900
Salary of one head laundryman	480	480	Salaries of two teachers (one intermediate, one subintermediate grade) for boys, at \$75 per month, for nine months, each	1,350	1,350
Salaries of five laundresses	900	900	Salaries of two teachers		
Shoe repairing	400	400			
Salary of carpenter and plumber	480	480			
Salary of seamstress	240	240			
Salary of one yard man	240	240			
Salary of master of rolls	240	240			
To pay hostler, postmaster, wood chopper, day and night guard, and fire chief to work at home	850	850			
Furniture and beds	600	600			
Clothing, hats and shoes	11,000	11,000			
Transportation	200	200			
Books, periodicals, newspapers and postage	500	500			
Salary of driver of delivery wagon	300	300			
Painting and repairing of buildings	10,000	500			
Improvement of grounds and beautifying same, to be expended under the supervision of a competent landscape gardener	2,000	2,000			
Medical supplies and instruments	1,800	1,800			
Kitchen, dining room and					

(one intermediate, one subintermediate grade) for girls, at \$75 per month, for nine months, each	1,350	1,350	department, nine months, with board, at \$225 each	450	450
Salary of teacher, primary grade, for girls, for nine months.....	075	075	Salary of housekeeper for large boys, nine months, with board...	225	225
Salary of teacher, primary grade, for boys, for nine months.....	075	075	Salary of teacher, boys' industrial department, twelve months, without board	600	600
Salary of teacher, subprimary grade for boys, for nine months.....	075	075	Salaries of three seamstresses for three months, with board...	225	225
Salary of teacher, subprimary grade for girls, for nine months.....	075	075	Salary of assistant teacher, boys' industrial department, without board	400	400
Salary of teacher, kindergarten, nine months	810	810	Salary of physical director, nine months, without board	540	540
Salary of teacher, typewriting and telephoning, nine months.....	075	075	Salary of nurse for sick boys, nine months, with board	480	480
Salary of teacher of pipe organ, piano and harmony, nine months....	765	765	Salary of nurse for sick girls, nine months, with board	480	480
Salary of teacher of piano, mandolin and guitar, nine months..	765	765	Salary of monitress and seamstress for small boys, with board....	300	300
Salary of teacher of vocal music, nine months	075	075	Salary of monitress and seamstress for small girls, with board....	300	300
Salary of teacher in orchestral instruments, nine months	810	810	Salary of monitress for dining room, study hall and associate duties, with board	300	300
Salary of teacher, piano tuning and repairing and keeping all pianos in tune and repair, nine months	075	075	Salary of night watchman, twelve months, without board	600	600
Salary of assistant teachers in orchestral instruments, piano and cornet, nine months...	075	075	Salary of engineer, electrician and plumber, twelve months, with board and lodging for self	900	900
Salary of teacher, violin and piano, nine months	075	075	Salary of carpenter and painter, twelve months, with board	480	480
All above without board, except six, who do dormitory duties and other resident work; provided, the superintendent in his report to the board of trustees shall give the name of every teacher in this department who gets board.			Salary of assistant engineer, electrician and plumber, twelve months, with board...	450	450
Salary of music reader, nine months, without board	075	075	Salary of hostler and yard man, twelve months, with board...	300	300
Salary of teacher, girls' industrial department, nine months, without board	500	500	Salary of chief yard man, twelve months, with board	300	300
Salaries of two seamstresses, girls' industrial			Salary of office assistant and stenographer, twelve months, with board	300	300
			Salary of janitor of school building, nine months, with board...	225	225

Salary of one baker and five cooks, nine months, with board, \$270 each	1,620	1,620	ishings, dining room and kitchen belongings	2,500	2,500
Salaries of four dining room girls, nine months, with board, \$180 each	720	720	To buy two horses	350	
Salaries of four chambermaids, nine months, with board, \$180 each	720	720	Stamps, copy books and stationery	350	350
Salary of one head laundress, nine months, with board	270	270	Maintenance for girls' industrial department	800	800
Salaries of five assistant laundresses, nine months, with board, \$180 each	900	900	Maintenance for boys' industrial department	3,000	3,000
Salary of one cook for three summer months, with board	60	60	Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses	20,000	20,000
Salary of one chambermaid for three summer months, with board	60	60	For conduit from power house to building	4,300	
Salary of one laundress for three summer months, with board	60	60	For rewiring for electric lights all old buildings, carrying service from power plant, installing switch board in power house, and panel boxes on each floor of all buildings and putting light system in first-class condition, and rewiring the system of house phones	3,300	
Salaries of five trustees, \$60 each, payable monthly	300	300	For addition to laundry building and extension of power house chimney	2,000	
Transportation for indigent pupils	1,400	1,400	To purchase two metal washers, one collar folder and one conveyor dry room	1,000	
Dry goods and clothing for indigent pupils	1,900	1,900	For repairing steam heating plant and putting the system in first-class condition	3,500	
Fuel	3,500	3,500	For adding second story to mattress building and erecting an east wing, including heating and wiring, thereby making a safe and adequate industrial building	8,800	
Water and light	1,200	1,200	For purchasing boilers and building furnaces; provided, after inspection of old boilers same are necessary	1,500	
To purchase pianos, music in ordinary and in line and point print, dissected maps, globes, apparatus for school, furniture, kindergarten materials, sewing machines, and material for girls' industrial department; and the superintendent of the institution is authorized to exchange the old pianos now in the institution for new pianos at such a price as he may be able to get for them	2,000	2,000	Overhauling plumbing system and putting same in first-class condition	3,400	
General repairs to buildings and grounds, painting buildings and fences, enameling iron beds and bath tubs, repairing and upholstering furniture, purchasing bath tubs, floor coverings, furniture, floor and furniture fin-			For purchase of double swings, graphophones, books on elocution, wit, humor, recipes, health and ways to make money	250	

To remodel and equip the hospital	2,500	
Total	\$101,815	\$70,915

Provided, that the interest on all securities held by the Blind Asylum fund is hereby appropriated in part payment of the appropriation of the Blind Asylum, the remainder of the appropriation to be paid out of the general revenue.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Blind Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

DEAF AND DUMB INSTITUTE.

Salary of Superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family	\$2,000	\$2,000
Salary of principal, without board	1,350	1,350
Salary of first teacher, without board	1,000	1,000
Salary of second teacher, without board	1,000	1,000
Salary of third teacher, without board	1,000	1,000
Salary of fourth teacher, without board	720	720
Salary of fifth teacher, without board	720	720
Salary of sixth teacher, without board	720	720
Salary of seventh teacher, without board	720	720
Salary of eighth teacher, without board	720	720
Salary of ninth teacher, without board	720	720
Salary of tenth teacher, without board	660	660
Salary of eleventh teacher, without board	660	660

Salary of twelfth teacher, without board	660	660
Salary of thirteenth teacher, without board	660	660
Salary of first oral teacher, without board	1,000	1,000
Salary of second oral teacher, without board	900	900
Salary of third oral teacher, without board	900	900
Salary of fourth oral teacher, without board	780	780
Salary of fifth oral teacher, without board	720	720
Salary of sixth oral teacher, without board	720	720
Salary of seventh oral teacher, without board	720	720
Salary of eighth oral teacher, without board	720	720
Salary of ninth oral teacher, without board	720	720
Salary of tenth oral teacher, without board	720	720
Salary of eleventh oral teacher, without board	720	720
Salary of twelfth oral teacher, without board	600	600
Salary of thirteenth oral teacher, without board	600	600
Salary of fourteenth oral teacher, without board	600	600
Salary of fifteenth oral teacher, without board	600	600
Salary of sixteenth oral teacher, without board	600	600
Salary of seventeenth oral teacher, without board	600	600
Salary of eighteenth oral teacher, without board	600	600
Salary of art teacher, without board	720	720
Salary of instructor in printing, without board	720	720
Salary of instructor in shoemaking, without board	720	720
Salary of instructor in carpentry, without board	720	720
Salary of instructor in tailoring, without board	720	720
Salary of instructor in sewing, with board	480	480
Salary of instructor in painting, without board	600	600
Salary of storekeeper and accountant, with board	900	900
Salary of assistant bookkeeper, stenographer and office assistant	480	480

Salary of matron, with board	480	480	For care, maintenance and education for the blind deaf	2,000	2,000
Salary of housekeeper, with board	550	550	Laundry machinery and repairs to same	200	200
Salary of supervisor, with board	480	480	Machinery in shoe shop ..	550	
Salary of second supervisor, with board	480	480	550 feet of new guttering, new ventilators and repairs on towers, main building	1,115	
Salary of two supervisor-esses, for girls, with board	800	800	Building and equipping new kitchen, enlarging dining room and store room	7,500	
Salaries of two supervisors for small boys, with board	800	800	Span of mules and wagon; provided, the old ones may be given in part exchange	250	
Salary of night watchman, without board ..	600	600	To equip new dormitory and provide new toilets ..	3,000	
Salary of engineer, electrician and plumber ..	900	900	To build additional dormitories, complete	17,000	
Salary of assistant engineer and plumber, with board	600	600	To purchase a moving picture outfit and securing films	250	
Salaries of two trained nurses with board, at \$480 each	960	960			
Salary of one night supervisoress, with board ..	300	300	Total	\$124,905	\$95,290
Salary of gardener, with board	300	300	Provided, that the interest on all securities held by the Deaf and Dumb Asylum funds are hereby appropriated, the remainder to be paid out of the general revenue; and provided further, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf and Dumb Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.		
Salaries of two laborers, with board	480	480	EPILEPTIC COLONY.		
Salary of foreman of laundry, with board ..	450	450	Salary of superintendent; provided, he shall receive provisions not to exceed \$500 per year and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salaries of six assistant laundresses, with board ..	1,200	1,200	Salary of assistant physician	1,250	1,250
Salary of baker, with board	480	480	Salary of storekeeper and accountant	900	900
Salary of chief cook, with board	480	480	Salary of matron and supervisoress	480	480
Salary of one assistant cook, for twelve months, with board ..	300	300	Salary of supervisor	480	480
Salaries of two assistant cooks, for ten months, with board	500	500	Salary of druggist	720	720
Salaries of two chambermaids, with board	480	480	Salary of engineer and electrician	1,100	1,100
Salaries of six dining room girls, with board ..	1,080	1,080			
Supplies and provisions ..	36,000	36,000			
Water, light and power ..	3,100	3,100			
Furniture, furnishings and mattresses	1,200	1,200			
Clothing and transportation for indigents	3,300	3,300			
Art material	150	150			
Salaries of Board of Trustees	300	300			
Dry goods and blankets ..	1,000	1,000			
Medical attention	1,000	1,000			
Literary and school supplies	500	500			
Harness and tools	100	100			
Repairs on buildings and grounds	1,500	1,500			

Salary of assistant engineer	480	480	To build one new cottage, complete and equipped 15,000		
Salaries of two firemen	600	600			
Salary of laundryman or laundress	360	360	Total	\$100,650	\$72,710
Salaries of four laundresses	960	960	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Epileptic Colony during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.		
Salary of head seamstress	300	300	Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.		
Salaries of three seamstresses	720	720	STATE LUNATIC ASYLUM.		
Salaries of three dining room girls for first year and four for the second year	720	960	Salary of superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salaries of twenty-five night and day attendants for the first year and twenty-eight for the second year	6,000	6,720	Salary of first assistant physician	1,250	1,250
Salary of outside night watchman	360	360	Salary of second assistant physician	1,250	1,250
Salaries of two skilled nurses	720	720	Provided, that the board of managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment in the Pasteur Institute to supplement and increase the salaries of the assistant physicians who do the pasteur work.		
Salary of head farmer and gardener	480	480	Salaries of third and fourth assistant physicians, at \$1250 each	2,500	2,500
Salaries of two farm hands	480	480	Salary of steward, storekeeper and accountant	900	900
Salary of dairyman	300	300	Salary of assistant storekeeper and stenographer	600	600
Salaries of seven cooks	2,100	2,100	Salary of druggist	720	720
Salary of carpenter	480	480	Salary of matron	600	600
Salary of baker	360	360	Salary of supervisor	480	480
Salary of chaplain	150	150	Salary of assistant supervisor	420	420
Salary of shoemaker	360	360	Salary of supervisoress	480	480
Salary of tailor	360	360			
Salary of plasterer and painter	480	480			
For maintenance, including groceries, transportation, medical stores, surgical instruments and tools, drugs and pay of managers, water, lights, fuel, including mileage	35,000	40,000			
Tailors' supplies	200	200			
Literature and amusements	300	300			
Dry goods, beds and bedding	5,000	5,000			
Horses, mules, cows and hogs	300	300			
Transportation	300	300			
Trees and seeds	250	300			
Farm and grounds	300	300			
To purchase furniture	1,000	1,000			
Wagons, hacks and harness	300	300			
To install filter plant	5,000				
Erecting a standpipe and installing hydrants	7,500				
To install sewerage farm	5,000				
To install coal bins	1,500				

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Salary of assistant supervisor	420	420	Dry goods and clothing	23,000	23,000
Salary of chaplain	300	300	Furniture and beds	2,500	2,500
Salary of outside supervisor and head farmer	550	550	Transportation of patients	700	700
Salary of chief engineer and plumber	1,100	1,100	Literature and amusements	600	600
Salary of assistant engineer and electrician	550	550	Trees and seeds	350	350
Salary of assistant engineer and plumber	550	550	Farm machinery and tools	350	350
Salary of gardener and florist	320	320	Engineers' and carpenters' tools	250	250
Salary of chief cook	550	550	Horses, mules, cows and hogs	500	500
Salary of first assistant cook	320	320	Bridges, culverts and grounds	300	300
Salary of second assistant cook	320	320	Repairs, to be used in two years	15,000	
Salaries of nine assistant cooks	2,160	2,160	Wagons, hacks and harness	450	150
Salary of baker	480	480	For additional machinery for new laundry	2,500	
Salaries of two assistant bakers	480	480	To build new laundry	8,300	
Salary of carpenter	600	600	Converting present laundry into wards	4,000	
Salary of blacksmith	420	420	To repair boiler, purchase new boiler, vacuum pump, coffee roaster and cooler, dish washer and current motors	6,000	
Salary of plasterer and painter	540	540	To erect and equip two buildings, complete, for consumptive patients	35,000	
Salaries of four firemen	1,440	1,440	Additional appropriations to be used when new buildings provided for are completed and patients admitted.		
Salaries of twenty-two night attendants	6,600	6,600	Maintenance and support, including dry goods and clothing, and to pay additional employees for the additional patients provided for	6,000	
Salary of head laundress or laundryman	480	480	Provided, that the superintendent may sell such horses, cattle, hogs and machinery as may be deemed expedient, and invest the proceeds of same in like property.		
Salary of assistant head laundress or laundryman	300	300	Total	\$291,570	\$228,470
Salaries of twelve laundresses	2,280	2,280	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Lunatic Asylum for the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no de-		
Salary of head seamstress	300	300			
Salary of knitting machine operator	420	420			
Salary of assistant knitting machine operator	240	240			
Salaries of seven seamstresses	1,680	1,680			
Salaries of eighty attendants	19,200	19,200			
Salaries of two trained nurses	840	840			
Salary of scavenger	240	240			
To pay farm hands	900	900			
Salary of dairyman	360	360			
Salaries of two assistant dairymen	480	480			
Salary of tailor	480	480			
Salary of shoemaker	400	400			
Salaries of four dining room girls	720	720			
Salary of butcher	450	450			
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments	132,500	132,500			

iciency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the board of managers and superintendent for the purpose of its proper support and operation, and that a record of all fees so collected shall be kept, and an itemized account, showing each item of expenditure made out of such funds, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

SOUTHWESTERN INSANE ASYLUM.

Salary of superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$2,000	\$2,000
Salary of first assistant physician	1,250	1,250
Salary of second assistant physician	1,250	1,250
Salary of third assistant physician	1,250	1,250
Salary of storekeeper and accountant	900	900
Salary of assistant storekeeper, accountant and office assistant	480	480
Salary of druggist	720	720
Salary of matron	600	600
Salary of supervisoress ..	480	480
Salary of assistant supervisoress	420	420
Salary of supervisor	480	480
Salary of assistant supervisor	420	420
Salary of outside supervisor and head farmer ..	550	550
Salary of chief engineer ..	1,100	1,100
Salary of assistant engineer and electrician ..	550	550
Salary of assistant engineer and plumber	550	550
Salaries of three firemen ..	1,080	1,080
Salary of gardener and florist	320	320
Salary of chaplain	300	300
Salary of chief cook	550	550

Salary of first assistant cook	300	300
Salaries of five assistant cooks	1,000	1,000
Salary of baker	480	480
Salary of assistant baker ..	240	240
Salary of carpenter	600	600
Salary of blacksmith	400	400
Salary of painter and plasterer	480	480
Salary of tailor or tailoress	400	400
Shoe repairing	360	360
Salaries of three dining room girls	540	540
Salaries of four farm hands	720	720
Salaries of twelve watchmen	3,600	3,600
Salary of head laundryman or laundress	480	480
Salary of assistant laundress or laundryman ..	300	300
Salaries of six laundresses	1,140	1,140
Salary of head seamstress	300	300
Salaries of five seamstresses	1,200	1,200
Salaries of two trained nurses, \$420 each	840	840
Salaries of fifty attendants	12,000	12,000
Salary of dairyman	360	360
Salary of assistant dairyman	240	240
Salary of butcher	450	450
Salary of scavenger	240	240
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments	72,000	72,000
Dry goods and clothing ..	12,000	12,000
Transportation of patients	500	500
Literature and amusements	400	400
Cows, horses, mules and hogs	300	300
Wagons, hacks and harness	200	200
Trees, seeds, farm machinery and tools	300	300
Bridges, culverts and grounds	200	200
Engineers' and carpenters' tools	100	100
General repairs and painting	5,000	3,000
Furniture and beds	1,200	1,200
Enlarging laundry and		

purchasing laundry machinery	2,500
To erect and equip two buildings, complete, for consumptive patients ..	20,000
To erect and equip east wing to present hospital, complete, and connecting passage....	15,000
To erect and equip wing to present female ward, complete	35,000
To erect and equip wing to present male ward, complete	35,000
To erect and equip a ward building for negro patients, complete	20,000
Additional appropriations to be used when new buildings provided for are completed, and patients admitted.	
For maintenance and support, including dry goods and clothing, and additional employees for the additional patients	24,000
To purchase kitchen utensils	600
To enlarge power plant and to purchase new boilers and machinery ..	10,000
Provided, that the superintendent may sell such horses, cattle, hogs and machinery as may be deemed expedient and invest the proceeds of same in like property.	
Total	\$272,420 \$156,320

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Southwestern Insane Asylum during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the head of said institution shall keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

NORTH TEXAS HOSPITAL FOR THE INSANE.

Salary of superintendent, with provisions for himself and family not to exceed in value \$500 per year, and fuel, lights, water and housing	\$2,000	\$2,000
Support, maintenance, groceries and fuel, lights and water; pay of board of managers, including mileage, drugs, medical stores and surgical instruments	185,000	185,000
Dry goods and clothing ..	32,000	32,000
Salaries of first, second, third, fourth and fifth assistant physicians, at \$1250 each	6,250	6,250
Salary of clerk and storekeeper	900	900
Salary of assistant storekeeper and stenographer	600	600
Salary of druggist	720	720
Salary of matron	600	600
Salary of supervisor	480	480
Salary of assistant supervisor	420	420
Salary of outside supervisor and head farmer ..	550	550
Salary of supervisoress ..	480	480
Salary of assistant supervisoress	420	420
Salary of chief engineer and plumber	1,100	1,100
Salary of assistant engineer and electrician ..	550	550
Salary of plumber	550	550
Salary of assistant plumber	480	480
Salaries of six firemen ..	2,160	2,160
Salary of gardener and florist	320	320
Salary of chaplain	300	300
Salary of chief cook	550	550
Salary of assistant cook ..	320	320
Salaries of eight under cooks	1,020	1,020
Salary of baker	550	550
Salaries of two assistant bakers	480	480
Salary of carpenter	600	600
Salary of blacksmith	400	400
Salary of plasterer	480	480
Salary of assistant plasterer	360	360
Salary of painter	480	480
Salary of assistant painter	360	360

Salary of tailor or tailor- oress	400	400	new buildings provided for are completed and patients admitted.
Salary of shoemaker....	400	400	
Salaries of five dining- room girls	1,080	1,080	For maintenance and support, including dry goods and clothing, and to pay additional employees for the additional patients provided for
Salaries of twenty night attendants	6,000	6,000	
Salaries of six farm hands	1,080	1,080	Provided that the superintendent may sell such horses, cattle, hogs and machinery as may be deemed expedient and invest the proceeds of same in like property.
Salary of head laundry- man or laundress....	480	480	
Salary of assistant laun- dress or laundryman.	300	300	Total
Salaries of thirteen laun- dresses	3,120	3,120	
Salaries of four trained nurses	1,680	1,680	Provided, that the interest on all securities held by the Lunatic Asylum fund is hereby appropriated in part payment of the appropriations of the three lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in, or which may hereafter be paid into the State Treasury for the board and treatment of non-indigent patients and sales of personal property of the three lunatic asylums, shall be paid over to the State Treasurer monthly and credited by him to the general revenue.
Salary of head seams- tress	300	300	
Salaries of two outside watchmen	720	720	Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the board of managers and superintendent for the purpose of its proper support and operation, and that a record of all fees collected shall be kept, and an itemized account, showing each item of expenditure made out of such funds, and a detailed account made and included in an annual report of the hospital to the Governor.
Salaries of ten seams- tresses	2,400	2,400	
Salary of mattress maker	300	300	Provided, that the head of said department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.
Salaries of 115 attend- ants	27,600	27,600	
Salary of dairyman....	360	360	Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the North Texas Hospital for the Insane during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor
Salaries of two assistant dairymen	480	480	
Salary of butcher.....	450	450	
Salary of scavenger....	240	240	
Transportation	800	800	
Furniture and beds....	3,000	3,000	
General repairs and painting	10,000	5,000	
Literature and amuse- ments	750	750	
Fire department	500	500	
Trees and seeds.....	400	400	
Horses, mules, cows and hogs	500	500	
Engineers' and carpen- ters' tools	300	300	
Bridges, culverts and grounds	1,500	300	
Laundry machinery and repairs	500	500	
Fencing	250	250	
Wagons, hacks and har- ness	300	300	
Mowers, plows and farm tools	300	300	
Pasteur Institute equip- ped	5,000		
Overhauling steam heat- ing plant in main building	7,500		
Two pavilions	3,600		
To erect and equip two buildings (complete) for consumptive pa- tients	35,000		
Additional appropria- tions to be used when			

shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

DEAF, DUMB AND BLIND ASYLUM (COLORED).

Salary of superintendent	\$1,500	\$1,500
Salary of principal teacher	675	675
Salaries of five class room teachers and one music teacher, at \$50 per month, for nine months	2,700	2,700
Salary of instructor in broom and mattress making	450	450
Salary of shoemaker	450	450
Salary of seamstress	360	360
Salary of matron	360	360
Salary of laundress and one assistant	420	420
Salary of night watchman	300	300
Salary of engineer and plumber	600	600
Salary of preceptress	360	360
Salary of cook and assistant	500	500
Salary of farmer and gardener	300	300
Salary of monitor for large boys	270	270
Furniture	200	200
Books	175	175
Stationery, postage and printing	100	100
Clothing for indigent pupils	600	600
Tools for shop and apparatus	150	150
Repairs and general improvements	3,000	1,000
Groceries and miscellaneous	10,000	10,000
Salary and mileage of board	300	300
Salary of oculist	600	600
Salary of instructor in tailoring	450	450
Transportation of indigent pupils	500	500
For amusements	150	150
Total	\$25,470	\$23,470

Provided, that the head of said department keep a record of the absence of the various employes and the reasons therefor; whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the Deaf, Dumb and Blind Asylum (colored) during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PENSIONS.

To pay veterans, under general law	\$23,000	\$21,000
To pay Confederate pensions	500,000	500,000
Salary of Pension Commissioner	2,000	2,000
Furniture and desk	200	
Stationery, postage and contingencies	450	200
Total	\$525,650	\$523,200

Provided, that the amounts herein appropriated for such item as stated herein, and no more, shall be paid out of the general revenue for the pensions during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

PUBLIC DEBT.

Payment of interest on public debt	\$109,840	\$97,820
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THE STATE INSTITUTE FOR THE TRAINING OF JUVENILES.

Salary of superintendent, with provisions for himself and family not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family	\$1,800	\$1,800
Salary of accountant	900	900
Salary of farm supervisor	600	600
Salary of engineer	720	720
Salary of assistant engineer	500	500
Salaries of two teachers, \$480 each	960	960
Salaries of two teachers, \$600 each	1,200	1,200

Salaries of sixteen guards, \$300 each	5,760	5,760
Salary of baker and cook	360	360
Salary of druggist and nurse	400	400
Salary of physician.....	400	400
Salary of chaplain.....	300	300
Maintenance	32,000	30,000
Fuel	2,500	2,500
Books and slates.....	500	500
Postage and express....	400	400
Medicine	450	450
Discharge and transpor- tation	1,800	1,800
Literature and library..	350	350
Farm implements	400	400
To purchase mules; pro- vided the superintend- ent may exchange old mules now on hand in part payment of same.	1,500	
School room furniture, including organ	600	
To erect a barn for pro- tection of cows, reap- ers, mowers, wagons and farm tools, and for storing coal and cotton seed	5,000	
Fencing material	500	
To erect a steel tank and tower not less than 25,000 gallons capac- ity	3,000	
For repairs to buildings.	1,500	1,500
To erect and equip a new building for dormi- tory, school room and dining room purposes, together with the nec- essary school furniture, dormitory beds, kitch- en and dining room furnishings, both the building and furnish- ings to be complete; also for leveling and improving the ground, building fence and ce- ment walks around said building	30,000	
Total	\$94,400	\$57,800

Provided, that the appropriations above made for the State Institute for the Training of Juveniles shall not be available if any woman is appointed as a member of the board of managers of this institution who is not a mother.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and

said record of such absences shall be incorporated in the report made annually by the head of said department.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State Institution for the Training of Juveniles during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the superintendent of the State Institution for the Training of Juveniles is hereby required to rent sufficient land to keep all inmates employed.

STATE PENITENTIARIES.

The proceeds of all convict labor, or so much thereof as may be necessary, are herein appropriated for maintenance and support, and out of the general revenue no more than the following sums shall be paid for the purposes herein set forth:

For conveying convicts to the penitentiaries and reformatory	\$12,000	\$12,000
Total	\$12,000	\$12,000

Provided, that the financial agent of the State penitentiaries shall set aside at least one hundred (\$100) dollars from the available fund of the penitentiary system to be expended at the Rusk prison and the same amount at the Huntsville prison for literature, to be under the direction of the chaplain of these prisons.

Provided, that the proceeds of all products manufactured or otherwise of the penitentiary, and all proceeds arising from the lease of convicts and from all other sources shall be reported to the Governor on the first day of each month, and statements of all expenses or obligations, whether for salaries paid, labor performed, purchase of material, supplies or provisions or otherwise, and all receipts arising from any source whatever, shall be made to the Governor monthly; provided, said accounts shall be itemized, showing to whom salaries are paid and for what service, and the time of said service; and accompanied by vouchers receipted by said employe; and provided further, that such monthly statements, when accompanied by all vouchers endorsed for services rendered,

supplies purchased or otherwise, as provided in Section 1 of this act, when submitted to and approved by the Governor shall be deemed sufficient authority for the Penitentiary Board to retain such amount of money or moneys on hand to meet the expenditures set forth in such statement; provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the State penitentiaries during the fiscal years beginning September 1, 1909, and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further that no deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the Penitentiary Board is hereby authorized to pay out of any money to the credit of the penitentiary in addition to the amounts paid under the law the necessary traveling expenses for inspectors and other employes of the penitentiary or reformatory when traveling on the State's business.

It is hereby expressly provided that all appropriations provided herein for new buildings shall be construed to mean for such buildings complete, unless otherwise specified.

Provided, that any portion of appropriations made herein for the year ending August 31, 1910, for maintenance and support, the erection, remodeling or equipment, for repairs of buildings or for any institution of this State for which appropriations have been made herein which remain unexpended at the end of said fiscal year, shall be available and may be used for the year ending August 31, 1911.

Provided further, that no surplus shall be diverted from one account to another account, and the money appropriated, or so much thereof as may be necessary, shall be applied to the payment of each item for which the appropriation is respectively made and nothing else. No deficiency shall be created, nor shall any warrants be issued or obligations incurred in excess of the amounts herein appropriated.

Provided, that the Governor, in case of any extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. This provision shall apply to all State institutions and departments.

All money appropriated by this act shall remain in the State Treasury and

be paid out only as it is expended or as the necessity or emergency may require.

By the use of the word "maintenance" in any provision or section of this bill, is intended to mean, and shall mean and be construed, as and for the support of, the several institutions named, and not the construction or for the repairs of any building or other improvements for, or of, said institution, and no warrants shall be drawn or paid on said maintenance fund except for the purposes herein stated.

Nothing in this act shall be held to repeal or impair the authority conferred by Chapter 46 of the Acts of the Twenty-fifth Legislature, Regular Session, on pages 46 and 47 thereof, providing for the creation of deficiencies, and authorizing the Governor to act in cases of emergency. And it is further provided, that it shall be unlawful for the head of any department of this State, for the support of which any money is appropriated by this act, to approve any claim, or for the Comptroller of this State to draw any warrant for the payment of any claim for money appropriated by this act, or for the Treasurer of this State to pay any money appropriated by this act, for services performed after this act takes effect to any person employed in any of the departments of the State Government who may be related within the third degree of consanguinity or affinity to the head of the department who has the power in whole or in part to make such appointment, and any person violating this provision of this act, upon conviction thereof, shall be punished as provided by the law passed by the Thirtieth Legislature prohibiting nepotism.

Provided further, that the head of each department of this State for which an appropriation is herein made, shall, from and after the taking effect of this bill require each and every employe to work not less than eight hours each and every work day, and for every day or part thereof he fails to so work, he shall have deducted from his salary or wages the time so lost, unless he or she was sick or physically disabled from performing such duties; provided, that employes in the service of the State who have been in such service one year or more may be entitled to a vacation not to exceed fifteen days in any one year without any reduction of salary.

Provided further, that all buildings for the erection and equipment of which appropriations have been made under

this act, and all improvements and repairing of any public building, shall be erected and made under the direction, management and supervision of a competent architect, to be appointed by the board of managers of the institution for which said improvement is made, and approved by the Governor, whose fees and salary shall be deducted from the respective appropriations made for such purpose, not to exceed \$2500 per annum, and he shall perform such duties in relation thereto as may be directed by said board. Bids to erect, equip or repair such buildings shall be let by said board to the lowest responsible bidder, notice of which shall be given in some daily paper in this State; the contractor shall enter into a good and solvent bond, payable to the president of said board at his place of residence, conditioned that he will do the work contracted for according to the plans and specifications to be furnished by said architect, and use such materials in the construction or repair of said buildings as may be called for in said plans and specifications. Said board shall have general supervisory control over such improvements jointly and in connection with said architect, one-fourth to be paid when the work begins and the material is on the ground, and the other three-fourths to be paid as the judgment of said board may deem proper; provided, that the Comptroller shall not issue any warrants except upon an itemized statement, sworn to by the contractor and approved by said board and architect as a voucher for same, which shall be filed with the Comptroller. And it is expressly provided, that where a new building and equipment or additions to old buildings as provided for in this act, the same shall be completed in all their parts, and no plans and specifications shall be accepted by the board or any institution that will involve a greater outlay of money to fully complete any building and all equipments and appurtenances thereto than the several amounts herein appropriated for that purpose.

And provided further, that all architects employed as herein provided for shall execute and deliver to the board of managers of the State institution for which improvements and repairs are to be made a good and sufficient bond, payable to the Governor of the State, in such amount as such board of managers may require, conditioned that such architect shall be liable and bound to pay the State of Texas all such damages as

it may sustain by reason of defective plans and specifications or for any wilful failure or negligent performance of duty.

Provided, that all the officers and employes of any State eleemosynary institution, where it is believed to be necessary by the board of managers and superintendent that they reside at such institution, may, in addition to the salary herein provided for, receive their board and housing when practicable, and laundry; and provided further, that no person in any event shall reside in any of such institutions other than the officers and employes thereof, except the family of the superintendent and the families of the assistant physicians and storekeeper and accountant (if any), in case the superintendent and board shall deem it to the best interest of the institution that such families should reside therein, and where the said families or members thereof do reside in such institution, it shall be the duty of the board of managers to have charged to each of them the reasonable cost to the State by reason of supplies and service in preparation of their board and laundry at such institution, at reasonable cost of such laundry, and the superintendent shall collect the same monthly and remit the amount so collected to the State Treasury.

MISCELLANEOUS ITEMS.

To refund to various railway companies the gross receipts tax paid by them to the Treasurer of the State of Texas under Chapter 141 of the Acts of the Twenty-ninth Legislature, which act has been declared by the courts to be unconstitutional (said tax paid for the year 1905)...\$28,854 58

To refund the liquor dealers the proportionate amount of taxes paid by them for the unexpired term of their licenses in local option districts up to August 31, 191115,000 00

To pay Clark & Courts, Galveston, Texas, account Court of Civil Appeals, Sixth District, dated September 15, 1908 61 50

To pay E. T. Roseborough, assignee of J. S.

Gaines, account Court of Civil Appeals, Sixth District, dated October 10, 1908	32 40	of tax of \$50 paid, in accordance with Article 5049, Subdivision 28, repealed by act of the Thirtieth Legislature, before license expired.	33 40
To pay Texas Printing Company, account Court of Civil Appeals, Fort Worth, dated February 8, 1909.....	107 05	J. S. Kendall, for salary as principal of North Texas State Normal for July and August, 1902	416 66
To refund certain franchise taxes paid by Fidelity Insurance, Casualty and Bonding Companies to the Secretary of State, under the acts of 1897, said taxes having been collected after said act had been repealed by act of the Twenty-ninth Legislature	422 00	Lawyers' Co-operative Publishing Company, for books for Court of Civil Appeals, Fort Worth	173 50
To refund fees and taxes unlawfully collected on claims approved by the Commissioner of Insurance and Banking and the Attorney General	104 10	Judge Howard F. O'Neal, for services as special judge of the Court of Criminal Appeals	90 20
To refund filing fees paid by beneficiary associations of other States for the year 1908, no license having been issued to said associations	54 00	J. B. Cave, for balance paid by him for Court of Criminal Appeals..	13 70
To refund excess occupation tax paid for the year 1908 by the Western Assurance Company of Toronto.....	42 08	W. R. Davie, for balance due as salary while serving as Tax Commissioner	41 65
To refund excess occupation tax paid for the year 1908 by British America Assurance Company	47 76	Link, Craddock & Dalton, for refund of liquor dealers' tax on gross receipts	15 90
To pay unpaid contingent expenses, Department of Insurance and Banking	10 05	A. L. Ledbetter, sheriff of Dallas county, for fees due in running down and conviction of a criminal in said county	132 20
To pay Maverick-Clark Lithographing Company, San Antonio, supplies furnished Court of Civil Appeals during years 1904, 1905 and 1906	224 25	Texas Company, for balance due on a carload of fuel oil for the Deaf and Dumb Asylum....	99 84
To pay Commercial Recorder Company for material furnished Court of Civil Appeals, Fourth District, January 15, 1908.....	35 25	J. L. Wright, for erroneous assessment of taxes in Hill county..	16 25
To refund J. M. Brown & Co. the unused portion		D. R. LeMaster, for funeral expenses of Confederate soldiers	21 80
		W. W. Hardy, for witness fees and mileage in case of the State vs. Jack Hardy	4 98
		Texas Company, for fuel oil for State Lunatic Asylum	174 77
		Slayden-Kirksey Woolen Mills, for clothing for North Texas Insane Asylum in the year 1907	350 00
		To refund the State's portion of liquor licenses under Sections 7 and 16, Chapter 138 of the Acts of the Thir-	

tieth Legislature, for the two years ending August 31, 1909.....	2,500 00	copying field notes for the State	17 50
To refund to the Citizens Railway Company of Waco, Texas, the amount of franchise taxes paid by said company to which it was not subject and erroneously paid by it	253 50	To pay Higgins Oil and Fuel Company for freight on car of oil for the State Orphans' Home at Corsicana...	55 20
To pay claim of American Engineering Speciality Company for system of steam circulation and attachments for State Capitol building	3,500 00	To pay Waters & Hail for a refund of unearned occupation tax as liquor dealer.....	281 09
For the purchase and payment of a portrait of David Crockett, painted by W. H. Hudde, or so much thereof as may be necessary, to be purchased by the Governor	5,000 00	To pay Waters-Pierce Oil Company for oil for the State Orphans' Home at Corsicana...	54 02
To pay the Higgins Oil and Fuel Company for three cars of oil furnished the State Lunatic Asylum, Austin, Texas, being cars Nos. 156, 160 and 170, presented in their claim against the State.....	644 58	To refund taxes paid by sundry persons, companies, or associations under Section 11, Chapter 148, Acts of the Twenty-ninth Legislature, known as the "Kennedy bill," which section has been declared unconstitutional by the courts.....	1,224 00
To refund to the Security Mutual Life Insurance Company the amount of franchise tax erroneously paid by said company for the year 1905	25 00	To erect a monument at Gonzales, Texas, at some place on the public square that may be selected, in memory of this as the birthplace of Texas independence, and in memory of those who made this spot historic in the first battle of the Texas Revolution; under the supervision of the Governor, Attorney General and Comptroller, who are authorized and instructed to enter into contracts for the purpose of this appropriation	5,000 00
To pay Robinson Bros. for supplies for the colored Deaf, Dumb and Blind Asylum at Austin	39 07	For the purchase of the two paintings, "The Battle of San Jacinto" and "Dawn of the Alamo," painted by McArdle, to be purchased by the Governor at his discretion.....	10,000 00
To pay Southwestern Oil Company for oil furnished the Southwestern Insane Asylum at San Antonio	150 83	For the payment of John Littleton for services as school teacher in the months of July and August, 1871, in Red River county	233 40
To pay the Terrell Wholesale Grocery Company for supplies furnished the State Lunatic Asylum	504 34	To pay M. W. Scott of Dodson & Scott, architects, for services rendered in preparing	
To pay Swift & Co. for supplies furnished State Lunatic Asylum at Austin	124 80		
To pay W. D. Twitchell for surveying fees and			

plans and specifications for quarantine station house for inspection at Galveston, Texas, under contract with Governor Sayers and direction of Dr. Geo. R. Tabor, health officer	525 00	Salary of clerk of Court of Criminal Appeals from June 14 to September 1, 1909.....	520 83
To pay the heirs of W. A. Polk for services rendered by him as storekeeper and accountant at the State Orphans' Home from September 1 to October 21, 1905.....	113 22	Salary of deputy clerk of Court of Criminal Appeals from June 14 to September 1, 1909.....	416 66
To pay G. W. Little, sheriff of Gregg county, for conveying an attached witness James Ansley to the Harrison county court, February term, 1909.....	7 80	To pay H. Bascom Thomas mileage due him under Section 24, Article 3 of the Constitution of the State of Texas	116 00
To pay J. C. Pritchard, assignee of J. C. Atkinson, witness fees in case of State vs. S. R. Riley in the district court of Throckmorton county	25 64	To pay John Matthews mileage due him under Section 24, Article 3 of the Constitution of the State of Texas.....	44 80
To pay and reimburse city of Austin in the amount of one half the cost of a storm sewer on West Eleventh street from Congress avenue to Colorado street and north on Colorado street to Thirtieth street	545 28	To refund National Union Insurance Company of Pittsburg for overpayment of taxes, year 1905	62 79
To refund unused portions of liquor dealers' licenses erroneously issued in Navarro county, believed to have been legally authorized under the provisions of Chapter 138 of the laws of the Thirtieth Legislature, the amounts to be refunded to be calculated in proportion to the total sums paid as the number of days such licenses were unused are to the total number of days for which such licenses were issued....	5,000 00	To pay Globe and Rutgers Fire Insurance Company franchise tax unlawfully paid for 1905	130 00
To pay assistant district attorneys for fiscal year ending August 31, 1909	1,000 00	To pay State Printing Company balance due on account filed October 21, 1907.....	495 72
		To pay T. J. Pritchard, sheriff of Limestone county, expense incurred in conveying attached witnesses to district court of Bosque county, September term, 1908	43 41
		To carry into effect House Concurrent Resolution No. 12, enacted at the Regular Session of the Thirty-first Legislature, providing for the preparation and presentation of the claim of the State of Texas vs. the United States for the protection of her frontier during the latter part of 1859 and the first part of 1860	2,000 00
		For the payment of the claim against the State held by the wife of H. P. Haldeman, growing out of extra work and material furnished the State Lunatic Asylum for an associate dining	

hall not contemplated in the contract and not in the plans and specifications to same; and also for work done and material furnished on the infirmary building and for extras over and above the contract and not mentioned in the plans and specifications, furnished in 1899 to 1901; provided, said claim is established by any district court of the State of Texas; and authority is hereby given to the said Mrs. H. P. Haldeman or her assigns or the holder of said claim to institute suit against the State of Texas for the recovery of said claim; provided further, that upon the trial of said cause, if the equitableness of said claim be established in favor of the holder thereof and against the State, that no laches on the part of the holder of said claim shall defeat the recovery and that no statute of limitation shall be a claim in favor of the State against the holder of said claim, or so much thereof as may be necessary; provided, the State may be cited in said cause by serving citation upon the Attorney General of the State of Texas11,000 00

For the payment and cancellation of the following outstanding bonds of the State of Texas, a part of the public debt: \$645,200, \$188,500, \$41,400, \$22,100, \$20,700, \$15,600, \$135,-

400, all of which said bonds mature July 1, 19091,068,900 00

It is hereby expressly provided that the appropriation of \$4237.36 made by the Thirtieth Legislature to construct a retaining wall at the foot of Congress avenue along the front of the State property, known as the river walk in the city of Austin, \$2000; for brick paving of street upon which this property abuts 981.3 square yards at \$2.28 per square yard, \$2237.36, making a total of \$4237.36 shall not lapse at the end of the fiscal year of 1909, but the amount remaining unused which is now in the State Treasury, out of said appropriation amounting to \$2237.36 be, and the same is hereby appropriated anew and shall be and remain subject to be expended at any time during the fiscal years of 1910 and 1911 under the provisions as herein above stated.

Total\$1,107,135 55

Provided, that all appropriations under the head of miscellaneous items shall be immediately available upon the passage of this act for the payment of all amounts mentioned therein.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

RECAPITULATION.

Executive Office	\$ 21,866 00	\$ 20,616 00
Mansion and Grounds	3,450 00	1,450 00
Department of State	14,880 00	14,580 00
State Revenue Agent	4,275 00	4,175 00
Public Buildings and Grounds	53,182 00	40,755 00
Department of Insurance and Banking	30,840 00	29,340 00
Texas Library and Historical Commission	8,328 00	5,378 00
State Tax Board	4,250 00	4,050 00
State Purchasing Agent	4,900 00	4,900 00
Public Printing	32,650 00	32,650 00
Bureau of Labor Statistics	3,900 00	3,900 00
Adjutant General's Department	69,455 00	49,380 00
Texas State Board of Health	58,495 00	56,495 00
Fish and Oyster Commission	2,450 00	2,450 00
Live Stock Sanitary Commission	15,000 00	15,000 00
State Mining Board	3,800 00	3,800 00
Pure Food Commission	8,150 00	7,850 00
Attorney General's Department	34,830 00	24,330 00
Department of Education	21,370 00	21,370 00
Treasury Department	14,930 00	14,430 00
Comptroller's Department	63,060 00	62,685 00
General Land Office	105,990 00	82,540 00
Railroad Commission	38,180 00	38,180 00
Department of Agriculture	30,178 00	25,178 00
University of Texas	240,000 00	240,000 00
Medical Department of Galveston	55,000 00	55,000 00
Agricultural and Mechanical College	199,750 00	114,250 00
Prairie View Normal (colored)	53,225 00	26,850 00
Girls' Industrial College	98,075 00	43,325 00
Sam Houston Normal Institute	75,500 00	50,500 00
North Texas State Normal	92,500 00	50,500 00
Southwest Texas Normal School	67,000 00	50,500 00
West Texas Normal School		17,500 00
Supreme Court	26,410 00	26,410 00
Court of Criminal Appeals	27,328 00	26,678 00
Court of Civil Appeals, First District	13,210 00	13,110 00
Court of Civil Appeals, Second District	13,510 00	12,910 00
Court of Civil Appeals, Third District	12,885 00	12,885 00
Court of Civil Appeals, Fourth District	13,010 00	13,010 00
Court of Civil Appeals, Fifth District	12,910 00	12,910 00
Court of Civil Appeals, Sixth District	13,360 00	13,010 00
Judiciary	758,600 00	758,600 00
State Orphan Home	74,180 00	51,780 00
Confederate Home	90,228 00	80,728 00
Blind Institute	101,815 00	70,915 00
Deaf and Dumb Institute	124,905 00	95,240 00
Epileptic Colony	100,650 00	72,710 00
State Lunatic Asylum	291,570 00	226,470 00
Southwestern Insane Asylum	272,420 00	156,320 00
North Texas Hospital for the Insane	359,770 00	305,470 00
Deaf, Dumb and Blind Asylum (colored)	25,470 00	23,470 00
Pensions	525,650 00	523,200 00
Public Debt	109,840 00	97,820 00
The State Institute for the Training of Juveniles	94,400 00	57,800 00
State Penitentiaries	12,000 00	12,000 00
Miscellaneous	1,167,135 55	
Total	\$5,770,715 55	\$3,877,353 00
Total first year		\$5,770,715 55
Total second year		3,877,353 00
Grand total		\$9,648,068 55

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House substitute for Senate bill No. 4.

Also adopted the Free Conference Committee report on House bill No. 18.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

(President Pro Tem. Murray in the chair.)

HOUSE BILL NO. 38.

Senator Cofer called up House bill No. 38, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was lost by the following vote:

Yeas—18.

Adams.	Meachum.
Alexander.	Murray.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Masterson.	Weinert.

Nays—6.

Brachfield.	Mayfield.
Greer.	Paulus.
Kellie.	Watson.

Absent.

Bryan.	Thomas.
Real.	Veale.
Sturgeon.	Willacy.
Terrell of McLennan.	

(Senator Hume in the chair.)

POST-SESSION CLERICAL WORK.

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the Regular and First and Second Called Sessions of

the Thirty-first Legislature, and to report and recommend such officers and employes as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report, as follows:

1. That 250 volumes of the Senate Journal of the Regular Session, together with the Senate Journal of the First and Second Called Sessions of the Thirty-first Legislature, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be turned over to the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate; and it is further provided, that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that the contractor shall furnish daily to the Journal Clerk of the Senate for the purposes of corrections and indexing three proofs of each of forty-eight pages of the Senate Journal as such pages will appear when finally printed, such proofs to be furnished within one day after the copy for such batch of forty-eight pages shall have been furnished by the Journal Clerk to the contractor; and it is further provided, that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Senate Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid out of any of the contingent expense funds of the Regular Session, First Called Session and Second Called Session of the Thirty-first Legislature that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Secretary, Clyde D. Smith, and Journal Clerk R. M. Gilmore each be retained for ninety days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the

Senate, together with a complete and comprehensive index to same, and to deliver to the the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate. And that the Secretary and Journal Clerk shall perform their duties in conjunction with each other, and the Secretary shall, in addition to his other duties, assist the Journal Clerk.

3. That W. E. DeLamar, the Calendar Clerk, be retained eight days after adjournment, and that he be instructed to check up, index and arrange such bills, hooks, resolutions and other documents as may remain in his possession and deliver the same to the Secretary of the Senate.

4. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle and his clerk, C. E. Rugle, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory be approved by the President of the Senate, and be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of this Legislature; and that the Sergeant-at-Arms and his clerk, C. E. Rugle, be allowed four days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed two porters, Ellis Monroe and John Robinson, for four days to assist him, porters to be paid \$2 per day, and this is to be out of the appropriation of the per diem of members, officers, clerks and employees.

5. We recommend that the Engrossing Clerk, F. P. Smith, and Enrolling Clerk, M. P. Kelley, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature and that each be retained four days after adjournment.

6. That each of the above and herein-after named officers and employees, except the porters, be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Thirty-first Legislature.

7. That the postmistress, Mrs. Annie Shirley, be requested to make out a list of the Senators and employees of the Senate with their respective postoffice addresses and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment, and that she be paid for two days' time at \$5.00 per day.

8. That the expenditures under this resolution may be paid out of the contingent and per diem funds of the Regular, First and Second Called Sessions, or either of them, of the Thirty-first Legislature; that \$100, or so much thereof as may be necessary, should be appropriated out of such contingent funds to pay postage or express charges on Journals sent out.

9. Any former resolution providing for post-clerical work is hereby abrogated and this resolution is intended to be and shall be a full and complete provision for such post-clerical work for the Regular and First and Second Called Sessions of the Senate of the Thirty-first Legislature.

COFER,
GREER,
MEACHUM,
HOLSEY.

The above resolution was read and adopted.

PRESIDENT PRO TEM.—ELECTION OF.

Here Senator Hudspeth stated that, under the Constitution, the Senate should elect a President Pro Tem. of the Senate for the ensuing term.

Therefore, Senator Hudspeth placed in nomination for that place Senator A. J. Harper of Limestone county.

The nomination was seconded by Senators Peeler, Meachum, Willacy and Murray.

There being no other nominations, the Chair declared nominations closed.

Senators Willacy, Hayter and Holsey were appointed as tellers.

Senator Harper received 22 votes, all the votes cast, and was declared duly and constitutionally elected.

Senators Hudspeth, Meachum and Peeler were appointed to escort Senator

Harper to the Chair, whereupon the constitutional oath of office was administered him by Lieutenant Governor Davidson.

Senator Harper then addressed the Senators and thanked them for the honor so conferred on him.

(President Pro Tem. Harper in the chair.)

HOUSE CONCURRENT RESOLUTION NO. 4.

Senator Mayfield called up House Concurrent Resolution No. 4, and moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—21.

Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Peeler.
Greer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Weinert.
Hume.	Willacy.
Masterson.	

Absent.

Adams.	Sturgeon.
Kellie.	Terrell of McLennan.
Paulus.	Thomas.
Perkins.	Veale.
Senter.	Watson.

The Chair laid before the Senate, House Concurrent Resolution No. 4, relating to gambling in agricultural products.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was then read and adopted.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, May 11, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

B. L. Gill, George A. Kelley, J. D. Porter, George T. Spears, all of Kaufman county, and John E. Owens of Van Zandt county, to be members of the board of managers of the North Texas Lunatic Asylum.

T. M. CAMPBELL,
Governor of Texas.

Senator Holsey moved that the Senate go into executive session at once for the purpose of considering the above appointments.

The motion was unanimously adopted by the following vote:

Yeas—22.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Paulus.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Hayter.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.

Present—Not Voting.

Mayfield.	Murray.
Meachum.	

Absent.

Peeler.	Terrell of McLennan.
Perkins.	Thomas.
Sturgeon.	Veale.

IN EXECUTIVE SESSION.

In accordance with the above motion, the Senate went into executive session.

In executive session the following confirmations were made:

To be members of the board of managers of the North Texas Insane Asylum: B. L. Gill, J. D. Porter, George T. Spears and John E. Owens.

IN THE SENATE.

(Lieutenant Governor Davidson in the chair.)

RECESS.

On motion of Senator Hume, the Senate recessed until 8 o'clock tonight.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Harper.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

By Senator Stokes:

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committees of the Senate and House, appointed to adjust the difference between the Senate and the House on House bill No. 5, beg leave to make the following report:

1. We recommend that the Senate recede from its amendments to said bill, adding Sections 4 and 5 thereto.

2. We recommend that the Senate and the House adopt the following amendment to said bill to be inserted as Section 4 and that Sections 4 and 5 of the bill be renumbered as Sections 5 and 6:

Amend the bill by adding thereto a new section to be numbered Section 4, and to read as follows, the other sections of the bill to be numbered accordingly:

"Section 4. When said railroad shall be completed to the town of Palestine, it shall be the duty of the Penitentiary Board to endeavor to make a sale of the same whenever said sale can be made without detriment to the interest of the State and the several industries operated as a part of the penitentiary system. Said board shall be authorized, at its discretion, to make application to the Railroad Commission of the State of Texas to value said railroad property, together with all of its equipments, rolling stock, right of way, depot buildings and all appurtenances of whatsoever kind and character, and in no event shall said road be sold for less than such valuation fixed upon the same by said Railroad Commission. In the event that said railroad shall be sold, as herein provided for, the proceeds of such sale shall be applied as follows:

"1. To the repayment of the permanent school fund of the amount used out of the appropriation herein named, made for the construction of said railroad and for the taking up of the bonds issued therefor under the provisions of this act.

"2. The remainder of the proceeds of the sale of such railroad shall be deposited in the State Treasury and be credited to the Penitentiary Board, to be applied to the betterment and enlargement of the iron industry and other

industries situated within the walls of the penitentiary at Rusk."

In all of which the two committees unanimously concur.

SENER,
PAULUS,
KELLIE,
ADAMS,
STOKES,

On the part of the Senate.

TERRELL of Cherokee,
TARVER,
ODOM,
ROBERSON of Erath,
COX,

On the part of the House.

The above report was read and adopted.

(Senator Hudspeth in the chair.)

SIMPLE RESOLUTION.

By Senator Hayler:

Resolved, That 1500 copies of Senate bill No. 4, known as the bank guaranty bill, be printed, and 1000 copies delivered to the Bank Commissioner and the balance distributed by the Secretary of the Senate to members of the House and Senate, the cost including \$15 postage and copying bill, be paid out of the contingent fund of the Senate.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Alexander:

Whereas, The Hon. A. B. Davidson, Lieutenant Governor of Texas, has ever been honest, courteous and impartial in the discharge of his public duties; and

Whereas, His every thought and effort while in the public service has been with an eye single to the best interests of this great commonwealth; and

Whereas, We are now about to separate and leave for our several homes, though, in heart, we shall still remain united; therefore, be it

Resolved, That we extend our thanks to our able presiding officer for his uniform courtesies extended and assure him of our full confidence and esteem, and that we wish for him that prosperity and and happiness, the rightful reward of service ably, conscientiously and fearlessly performed.

Signed—Willacy, Harper, Terrell of Bowie, Watson, Hudspeth, Masterson, Perkins, Kellie, Weinert, Greer, Paulus, Cofer, Holsey, Bryan.

The resolution was read and adopted by a rising vote.

SPECIAL COMMITTEE TO INSPECT STATE PENITENTIARIES.

The Chair (Lieutenant Governor Davidson) appointed the following committee, under an act passed at the Regular Session of the Thirty-first Legislature of Texas, authorizing the Speaker of the House of Representatives to appoint five members of the House and the President to appoint four members of the Senate for the purpose of investigating the management of the penitentiary system of this State, and to make due report thereon as in said act provided, to wit: Senators Weinert, Huds-peth, Paulus and Greer.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on House bill No. 5.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Paulus:

Whereas, The Hon. John G. Willacy, the Senator from Nueces, and chairman of the Committee on Finance, by his ability and past experience in that work during this session has by his untiring efforts prepared an appropriation bill which was most acceptable to this body, and thus relieved the rest of us of much labor and responsibility; therefore, be it

Resolved, That the special thanks of this body are due him and are hereby extended to him for this valuable service so rendered.

WEINERT,
PAULUS.

The resolution was read and adopted by a rising vote.

NOTIFICATION COMMITTEES.

Here a committee of three members of the House appeared at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

On motion of Senator Hayter, the following special committees were appointed:

To notify the Governor that the Senate had completed its labors and was ready to adjourn: Senators Hayter, Holsey, Terrell of Bowie.

Like committee to notify the House: Senators Kellie, Real, Weinert.

Both committees immediately performed their duties and reported.

(Lieutenant Governor Davidson in the chair.)

SIMPLE RESOLUTION.

By Senator Watson:

Resolved, That the thanks of the Senate be extended to the Senator from Kerr, the Hon. J. Real, the only Republican member of this body, for being mild and docile, and not at all obstreperous during the past session, this not being at all in line with the policy of his party.

The resolution was read and adopted.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 18, "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Senate bill No. 42, "An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 35, "An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the

State of Texas as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency."

Senate bill No. 12, "An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof; prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller, and declaring an emergency."

Senate bill No. 4, "An Act to create a State Banking Board; to define its powers and duties; to provide for a depositories' guaranty fund under the supervision of said board, and fixing the conditions and terms by which banks and trust companies may avail their depositories of the benefit of said fund; fixing the amounts to be paid for the creation of said fund and the manner and time of payments; fixing the manner of management and administration of said fund; authorizing certain advertising privileges to such banks, and providing a penalty for the unauthorized use of such advertising privileges; providing for savings departments for State banks and fixing penalties for the violation of this act, and declaring an emergency."

House bill No. 18, "An Act making appropriations for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes,

and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State Government for the year ending August 31, 1909, and to pay various miscellaneous claims against the State, and declaring an emergency."

House bill No. 32, "An Act to appropriate the sum of \$100,000, or so much thereof as may be necessary, from the general revenues of the State, to be used in operating the iron industry at the State penitentiary at Rusk, Texas; providing that such money shall be returned to the general revenues of the State within eighteen months out of any available funds of the penitentiary system of the State; providing that the Automatic Tax Board shall not take said appropriation into consideration in fixing the tax rate for the years 1909 and 1910; providing for the drawing of warrants therefor by the Comptroller and the payment of same by the State Treasurer, and declaring an emergency."

House bill No. 52, "An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a of Chapter 8, Title 86 of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds."

House bill No. 53, "An Act providing for the election, qualification, bond and duties of the State Treasurer, and the duties of his employes; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, prescribing his duties, requiring the chief clerk to give bond; providing methods for the receiving and handling of all bonds, funds, warrants and other claims; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 48, "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency."

House bill No. 76, "An Act to amend Section 126 of Chapter 11 of the General

Laws of Texas, First Called Session of the Twenty-ninth Legislature of 1905, entitled 'An Act to regulate elections, general, special and primary, and political conventions, approved April 1, 1903,' and also to amend Section 141 of said Chapter 11 as passed at the First Called Session of the Twenty-ninth Legislature and as amended by the Thirtieth Legislature, approved April 30, 1907, relative to contests in primary elections."

House bill No. 30, "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, a part thereof maturing on the first day of July, 1909, and a part maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency."

House bill No. 5, "An Act providing for the completion by the Penitentiary Board of Commissioners of the railroad now owned by the State of Texas at Rusk penitentiary, for its maintenance, equipment and operation; providing for condemnation of right of way and material therefor, and other property; providing for condemnation proceedings; providing for the issuance of bonds by the Board of Penitentiary Commissioners aggregating \$200,000, bearing interest at 5 per cent per annum; providing that \$150,000 shall be used to redeem bonds issued under and by virtue of Chapter 74 of the Acts of the Thirtieth Legislature; providing a lien upon said State railroad, its equipment; providing a method of redemption of said bonds; providing for authority to said board to accept gifts and donations to aid in the construction of said railroad; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

SINE DIE ADJOURNMENT.

There being no further business before the Senate, and the notification committees having made their reports, the Chaplain of the Senate, Rev. H. M. Sears, invoked divine blessings, after which the Chair (Lieutenant Governor Davidson) announced that the hour for sine die adjournment had arrived, and, in accordance with the constitutional provisions governing special sessions,

pronounced the Second Called Session of the Thirty-first Legislature adjourned without day.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 20, A bill to be entitled "An Act to amend Articles 3923, 3924, 3926a and 3926b, and repeal Article 3924a of Chapter 8, Title 86 of the Revised Statutes," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that House bill No. 52 do pass.

STOKES, Acting Chairman.

Committee Room,

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 60, A bill to be entitled "An Act to repeal Article 762, Chapter 8, Title 8 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4 of an act passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to define and regulate the practice of professional nursing; to create a Board of Nurse Examiners for the examination and licensing of nurses, and to prescribe their qualifications; to provide for their proper registration and for the revocation of certificates, and to fix suitable penalties for the violation of this act, and declaring an emergency,' which said

act was known as Senate bill No. 111; and to provide that all nurses who are engaged in nursing at the time of the passage of this act and who shall show to the satisfaction of said board that they are of good moral character and were graduated prior to April 1, 1909, from a training school connected with a general hospital or sanitarium giving two years' general training, or prior to the year 1901, having eighteen months general training and who maintain in other respects proper standards, shall be entitled to registration without examination, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 47, A bill to be entitled "An Act to amend Chapter 144 of Section 9 of an act passed by the Thirtieth Legislature, relating to the protection of wild game within the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 23, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the State Treasurer and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointment of a chief clerk, and prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that House bill No. 51 pass in lieu thereof.

STOKES, Acting Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 45, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

WARD,
PEELER.

(Majority Report.)

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 45, A bill to be entitled "An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895 in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of

the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MEACHUM, Chairman.

Following is the bill in full:

H. B. No. 45. By Terrell of Bexar.

A BILL

To Be Entitled

An Act to amend Article 2439 of Chapter 1, Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by the First Called Session of the Thirty-first Legislature, relating to the fees charged by the Secretary of State for charters and permits, so as to fix and prescribe the fees of foreign loan companies and foreign corporations to engage in the manufacture, sale, rental, lease or operation of all kinds of cars or to engage in conducting, operating or managing any telegraph lines in this State, for a permit to do business in Texas, so as to regulate the fees paid by such companies; and providing that said act shall not interfere with any suit now pending in the name of the State against foreign corporations; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2439 of Chapter 1 of Title 45 of the Revised Statutes of the State of Texas of 1895, as amended by Chapter 91, Acts of the Twenty-ninth Legislature of the State of Texas, as amended by Chapter 22 of the General Laws of the First Called Session of the Thirtieth Legislature, and as amended by the First Called Session of the Thirty-first Legislature, be amended so as to hereafter read as follows:

"Article 2439. The Secretary of State, besides other fees that may be prescribed by law, is authorized and required to charge for the use of the State the following fees:

"For each and every charter, amendment or supplement thereto, of a private corporation, created for the purpose of operating or constructing a railroad, magnetic telegraph line or street railway or express company authorized or required to be recorded in said department, a fee of \$200 to be paid when said charter is filed; provided, that if the authorized capital stock of said corporation shall exceed \$100,000 it shall be required to pay an additional fee of 50 cents on each \$1000 authorized capital stock or fractional part thereof, after the first; for each and every charter, amendment or supplement thereto of a private corporation intended for the support of public worship and benevolence, charitable, educational, missionary, literary or scientific undertaking, the maintenance of a library, for the promotion of painting, music or other fine arts, the encouragement of horticulture or agriculture, the maintenance of public parks, the maintenance of a public cemetery not for profit, a fee of \$10 to be paid when the charter is filed. For each and every charter, amendment or supplement thereto of a private corporation created for any other purpose, intended for mutual profit or benefit, a fee of \$50 shall be paid when said charter is filed; provided, that if the authorized capital stock of said corporation shall exceed \$10,000, it shall be required to pay an additional fee of \$10 for each additional \$10,000 of its authorized capital stock, or fractional part thereof, after the first. For each commission to every office, elected or appointed in this State, a fee of \$1.00; each and every State, district, county and precinct officer, elected or appointed in this State is required to apply for and receive his commission; provided, that the Secretary of State shall not be required to forward

copies of laws to nor attest the authority of any officer in this State who fails or refuses to take out his commission as required herein. For each official certificate a fee of \$1.00. For each warrant of requisition a fee of \$2.00. For every remission of fine or forfeiture \$1.00. For copies of any paper, document or record in his office, for each 100 words, 15 cents. For each and every charter, amendment or supplement thereto, taken out under Chapter 14, Title 21, Revised Statutes of 1895 (channel and dock corporation) a fee of \$200 shall be paid to the Secretary of State for the use and benefit of the State, which shall be paid when the charter, amendment or supplement thereto is filed for record. For each foreign corporation obtaining permit to do business in this State shall pay fees, as follows: Fifty dollars (\$50) for the first ten thousand dollars (\$10,000) of its authorized capital stock, and ten dollars (\$10) for each additional ten thousand dollars (\$10,000) or fractional part thereof; provided, that the fee required to be paid by any foreign corporation for a permit to engage in the manufacture, sale, rental, lease or operation of all kinds of cars, or to engage in conducting, operating or managing any telegraph lines in this State, shall in no event exceed ten thousand dollars (\$10,000); provided, however, that mutual building and loan companies, so called, whose stock is not permanent but withdrawable, shall pay a fee of fifty dollars (\$50) for the first one hundred thousand dollars (\$100,000) or a fractional part thereof, of its authorized capital stock, and ten dollars (\$10) for each additional one hundred thousand dollars (\$100,000), or a fractional part thereof; and where the company is a foreign one, then the fee shall be based upon the capital invested in the State of Texas; and it shall be the duty of the Secretary of State to require satisfactory proof as to the amount of capital actually invested in this State before issuing any permit to any foreign building and loan company to do business in this State; provided, that the minimum fee for any foreign building and loan company shall be two hundred and fifty dollars (\$250); provided, further, that the fee required to be paid by any foreign corporation other than a foreign mutual building and loan association for a permit to do business of loaning money in this State shall be fifty dollars (\$50) on the first one hundred thousand dollars (\$100,000) of its authorized capital stock, and \$25 on each additional \$100,000 thereof;

provided further, that nothing in this act shall in anywise affect any suit now pending in the name or in behalf of the State of Texas against any foreign corporation.

"All fees mentioned in this article shall be paid in advance into the office of the Secretary of State, and shall be by him paid into the State Treasury monthly; provided, as a condition precedent to the issuance by the Secretary of State of a permit to any foreign corporation authorizing it to do business in this State, the president, vice president, secretary or treasurer, or two of the directors of such corporation, shall make and subscribe an affidavit in writing stating that such corporation is not a trust or organization in restraint of trade in violation of the laws of this State, has not, within twelve months next preceding the making of such affidavit become or been a party to any trust agreement of any kind or character whatsoever, which would constitute a violation of any anti-trust law of the State existing at the date of such affidavit, and has not within that time entered into or been in anywise a party to any combination in restraint of trade within the United States of America, and that no officer of such corporation has, within the knowledge of affiant, within twelve months next preceding the date of such affidavit, made on behalf of such corporation or for its benefit any such contract or entered into or become a party to any such combination in restraint of trade. Such affidavit in writing shall be personally subscribed and sworn to by such affiant or affiants before some officer who is by law duly authorized to administer oaths and the jurat of such officer shall be attested by his official signature and seal of office, and such affidavit in writing so attested shall be filed in the office of the Secretary of State before the issuance of any such permit."

Sec. 2. The fact that the present permit fee prescribed by law for the issuance of permits to foreign building and loan companies and foreign companies engaged in the manufacture, sale, rental, lease or operation of all kinds of cars, or engaged in conducting, operating or managing any telegraph lines in this State is excessive and burdensome and that the permits of such companies now doing business in this State expire in the immediate future, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in both houses be sus-

pendent, and that this act take effect from and after its passage, and it is so enacted.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 55, A bill to be entitled "An Act providing for the election qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas, and of his employees, providing for a complete system of accounting, bookkeeping and auditing for said department with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and in making reports and claims; providing for the appointment of a chief clerk and prescribing his duties; providing for filling vacancies in the office of Comptroller; repealing Articles 2830, 2833, 2837, 2840, 2841 and 2842 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comptroller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Stokes, Cofer, Hume, Bryan, Perkins, Ward.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

House bill No. 72, A bill to be entitled "An Act to amend Section 114 and Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature, as amended by Chapter 177 of the Acts of the Thirtieth Legislature of 1907, relating to elections, manner of holding, and prescribing the duties of the district chairman and executive committees of the various districts, and prescribing mode of canvassing the returns and declaring the results in districts composed of only one county, and repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed:

By striking out all of Section 2 of the bill, and amend the caption by striking out the words "and Section 120."

Perkins, Acting Chairman; Terrell of McLennan, Adams, Ward.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 30, A bill to be entitled "An Act to provide for refunding a portion of the public debt and the retirement of certain bonds of the State of Texas, maturing September 1, 1910; providing for the execution of new bonds in lieu thereof at a lower rate of interest, the manner of exchange and sale of said bonds, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Stokes, Alexander Ward, Cofer, Bryan.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred House Concurrent Resolution No. 4, as follows:

Whereas, It is generally believed by the agricultural masses of this country that speculating in farm products, and especially in wheat and cotton, the products that feed and clothe the people, is detrimental to the best interest of all the people; and

Whereas, It has become necessary for many of the States of the Union to pass laws restricting or prohibiting the dealing in futures for the protection of the products of the farm; and

Whereas, The frequent occurrence of fluctuations in the prices of agricultural products caused by gambling on the cotton exchanges and boards of trade by such men as Patton and his colleagues in the wheat market, and others equally as notorious in the cotton market, is known to be against the best interest of the producers and consumers of this country; therefore, be it

Resolved by the House of Representatives of the Thirty-first Legislature, the Senate concurring, That we request our Senators and Representatives in Congress to use all honorable means within their power to secure the passage of such laws by Congress as will be beneficial to legitimate trading, but will forever prohibit gambling in agricultural products or any deals where a bona fide transaction or delivery was never intended, and by which a few men rake off a few million dollars of the people's money,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Mayfield, Chairman; Kellie, Paulus, Holsey, Perkins, Cofer.

(Floor Report.)

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 38, A bill to be entitled "An Act to amend Article 642, Title 21 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of the Thirtieth Legislature, by adding to the said Article 642 a new subdivision to be known as 'Subdivision 72,' providing that public corporations may be formed for the purpose of constructing, erecting and repairing buildings and structures of any and all kinds.

"Subdivision 73, providing for the incorporation of corporations for the transportation of passengers, or baggage, or of passengers and baggage by means of wagons, wagonettes, omnibuses, cabs, carriages, automobiles and taxicabs or any of them or by means of other similar vehicles.

"Subdivision 74, providing that private corporations may be formed for the purpose of constructing and carrying on a general advertising and bill posting service, and to manufacture, purchase, and sell such goods, wares, merchandise, utensils and implements necessary to be purchased and used in such business, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back

to the Senate with the recommendation that it do pass, and be not printed.

Masterson, Perkins, Holsey, Terrell of McLennan, Senter, Bryan, Hume, Murray.

Committee Room,

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 12, and find it correctly enrolled, and have this day, at 9:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Sections 4, 8 and 10, and to repeal Section 9 of Chapter 177 of the General Laws of the Thirtieth Legislature, page 254, entitled 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game; and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof,' prescribing duties of the Game, Fish and Oyster Commissioner and his deputies; providing for collection and disposition of fines and license fees; prohibiting hunting without license; providing that county clerks shall issue hunting licenses; providing fees, requiring reports and establishing duties of commissioners, clerks and Comptroller.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 4, 8 and 10 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, entitled "An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received from the sale of hunting licenses

and fines received from prosecutions for a violation of the game and bird laws shall be used only for the protection and propagation of birds and game and all the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof," be and the same are hereby amended so as to hereafter read as follows, and that Section 9 of the same chapter be and the same is hereby repealed.

Sec. 2. That Section 4 shall hereafter read as follows:

"Section 4. Said Commissioner, at the close of each calendar month, shall file with the Comptroller a report in writing and detail stating the service performed by him during the last preceding month, including a detailed statement of the suits commenced at his instance, and the disposition made of same, all fines, licenses and other fees collected, their disposition, and shall pay over to the State Treasurer all moneys so received to be credited to the special fund herein provided for, and any other particulars he may deem proper. All fines collected from persons in the county or district courts of this State, charged for a violation of the game and bird laws of this State, shall, within thirty days from date of the collection of such fines or penalties, be forwarded by the court, or the Deputy Game Commissioner, to the State Game, Fish and Oyster Commissioner, who shall deposit same in the State Treasury, and same shall be credited to the special fund of the Game, Fish and Oyster fund for the payment of salaries and expenses of deputies appointed under the provisions of this act."

Sec. 3. That Section 8 shall hereafter read as follows:

"Section 8. It shall hereafter be unlawful for any person who has not been a bona fide inhabitant of this State for six months last past to hunt for or kill any game or birds protected by the laws of this State without first procuring a hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so, and by paying to said Commissioner the sum of \$15. Said license shall be dated when issued and shall remain in force until the first day of September, following thereafter. It shall hereafter be unlawful for any person to hunt or kill any game, quadrupeds or game birds or wild fowl protected by the game laws of this State, excepting the county of his residence,

or in the counties adjoining the county of his residence, or on land owned or controlled by him, without first obtaining a State hunting license from the Game, Fish and Oyster Commissioner, permitting him to do so. Any person who has been a bona fide resident of this State for six months last past may procure a hunting license to hunt outside the boundaries of the county in which he resides, by paying a license fee of \$1.75 to the county clerk of the county in which he resides, to be dated when issued, such license shall expire the first day of September of each year following such date, said license shall authorize the person named therein to use firearms in the hunting or killing game birds during the hunting season of that year, but only in the manner and time prescribed by law. Said license shall limit the number and quality of game which may be taken or killed, in accordance with the provisions of law governing the subject.

"Any person found hunting in open season any game protected by the laws of the State, and who shall refuse to show his license herein provided for to any sheriff, deputy sheriff, constable, game commissioner or deputy game commissioner, or any other person or persons on whose lands said person or persons are found hunting, or to any person who has the land under their control, on demand, shall be deemed guilty of a violation of the provisions of this act and upon conviction shall be liable to the penalties provided herein."

Sec. 4. That Section 10 shall hereafter read as follows:

"Section 10. It shall be the duty of the Chief Deputy Game, Fish and Oyster Commissioner to prepare and furnish to each county clerk blank hunting licenses with stubs attached numbered serially.

"Said chief deputy shall open an account with each county clerk and charge him with the number of licenses furnished said clerk, said account shall show the serial number of such licenses.

"The county clerk of each county in this State is hereby authorized to issue local hunting licenses under his official seal to all persons complying with the provisions of this act, and shall fill out correctly and preserve the stubs attached thereto. The county clerk shall keep a complete and correct record of hunting licenses issued, showing the name and place of residence of each licensee and the serial number and date of the license so issued, in a book to be furnished by the Game, Fish and Oyster Com-

missioner, which record shall be kept in his office and be open to the inspection of the public at all times during office hours.

"Said books and license stubs and unused licenses shall always be open to inspection of the Game, Fish and Oyster Commissioner or his deputies.

"The county clerk shall, within ten days of the close of each calendar month, make out a detailed report in duplicate under the seal of his office, showing the serial number and date of each license issued and the name and residence of the person to whom issued; he shall forward one copy, with remittance of the fees collected, to the Game, Fish and Oyster Commissioner at Austin, less 25 cents for each license issued, which he may retain as his fee. The duplicate copy of the report shall be forthwith forwarded to the Comptroller who shall charge the Game, Fish and Oyster Commissioner with the amount so shown to be remitted; upon the receipt of such report and remittance, the Game, Fish and Oyster Commissioner shall deposit same in the State Treasury to the credit of the special fund provided in this act, and the Comptroller shall credit said Commissioner with the amount of the deposits made.

"It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, in the Capitol of this State, well bound books in which he shall keep a complete list of the licenses issued, fines collected and a statement of all prosecutions instituted for violations of the Game, Fish and Oyster laws, and the result of the same. Said records shall be kept open for the inspection of the Comptroller and the public."

Sec. 5. Section 9 of Chapter 137 of the General Laws of the Thirtieth Legislature, page 254, be and the same is hereby repealed.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 7, and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act transferring to the general revenue of the State all money now

to the credit of the pure feed fund, except so much of the pure food fund as may have accrued since the 12th day of July, 1907, and providing that all revenue hereafter paid into the State Treasury to the credit of either of said accounts, except so much of the pure feed fund as shall accrue prior to July 12, 1909, shall forthwith be transferred to and become a part of the general revenue of the State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all money or moneys now to the credit of the pure feed fund, is hereby transferred to and made a part of the general revenue of the State of Texas, except so much of the pure feed fund as may have accrued since the 12th day of July, 1907, and the State Treasurer is hereby authorized and directed to pay over to the Treasurer of the Agricultural and Mechanical College of Texas so much of said fund as may have accrued since July 12, 1907, and now held by the State Treasurer to the credit of said fund, and it is hereby made the duty of the State Treasurer to transfer said fund as provided herein.

All revenue hereafter paid into the State Treasury to the credit of either or all of said accounts shall be forthwith transferred to the general revenue by the State Treasurer, except so much of the pure feed fund as shall accrue prior to July 12, 1909, which, if any, shall be paid into the State Treasury, shall be paid over to the treasurer of the Agricultural and Mechanical College.

Sec. 2. The fact that large sums of money have accrued to the credit of two of the above funds which is unavailable for general appropriation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 28, and find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any life insurance company now incorporated, or which may hereafter be incorporated under the laws of this State, may deposit with the Commissioner of Insurance and Banking of the State of Texas, for the common benefit of all the holders of its policies and annuity bonds, securities of the kinds in which by the laws of this State it is permitted to invest or loan its funds, equal to the legal reserve on all its outstanding policies in force, which securities shall be held by said Commissioner in trust for the purpose and objects herein specified. Any such company may deposit lawful money of the United States in lieu of the securities above referred to, or any portion thereof, and may also, for the purpose of such deposit convey to said Commissioner in trust the real estate in which any portion of its said reserve may be lawfully invested, and in such case said Commissioner shall hold the title thereto in trust until other securities in lieu thereof shall be deposited with him, whereupon he shall reconvey the same to such company. Said Commissioner may cause any such securities or real estate to be appraised and valued prior to their being deposited with or conveyed to him in trust as aforesaid; the reasonable expense of such appraisal or valuation to be paid by the company.

Sec. 2. After making the deposit mentioned above, no company shall thereafter issue a policy of insurance or endowment or annuity bond, except policies of industrial insurance, unless it shall have upon its face a certificate substantially in the following words: "This policy is registered, and approved securities equal in value to the legal

reserve hereon are held in trust by the Commissioner of Insurance and Banking of the State of Texas." Which certificate shall be signed by such Commissioner and sealed with the seal of his office.

All policies and bonds of each kind and class issued, and the forms thereof filed in the office of said Commissioner, shall have printed thereon some appropriate designating letter or figure, combination of letters or figures on terms identifying the particular form of contract, together with the year of adoption of such form, and whenever any change or modification is made in the form of contracts, policy or bond, the designating letters, figures, or terms and year of adoption thereon shall be correspondingly changed.

The Commissioner of Insurance and Banking shall prepare and keep such registers thereof as will enable him to complete their value at any time, upon written proof attested by the president or vice president and secretary of the company which shall have issued such policies or annuity bonds, that any of them have been committed or terminated, the Commissioner shall commute or cancel them upon his register, and until such proof is furnished all registered contracts shall be considered in force for the purposes of this act. The net value of every policy or annuity bond according to the standard prescribed by the laws of this State for the valuation of policies of life insurance companies, when the first premiums shall have been paid thereon, less the amount of such liens as the company may have against it (not exceeding such value), shall be entered opposite the record of said policy or annuity bond in the register aforesaid at the time such record is made. On the first day of January of each year, or within sixty days thereafter, the Commissioner shall cause the policies and annuity bonds of each company accepting the terms of this act to be carefully valued and the actual value thereof at the time fixed for such valuation, less such liens as the company may have against it, not exceeding such value, shall be entered upon the register opposite the record of such policy or bond, and the Commissioner shall furnish a certificate of the aggregate of such value to the company.

It shall be the duty of the Commissioner to cancel mutilated or surrendered policies and annuity bonds issued by any

such company and register other like policies or bonds issued in lieu thereof.

Each company which shall have made the deposit herein provided for shall make additional deposits from time to time, in amounts not less than \$5000, and of such securities as are permitted by this act to be deposited so that the market value of the securities deposited shall always be equal to the net value of the policies and annuity bonds issued by said company, less such liens as the company may have against them, not exceeding such net value. So long as any company shall maintain its deposits as herein prescribed at an amount equal to or in excess of the net value of its policies and annuity bonds as aforesaid, it shall be the duty of said Commissioner to sign and affix his seal to the certificates before mentioned on every policy and annuity bond presented to him for that purpose by any company so depositing.

The Commissioner shall keep a careful record of the securities deposited by each company, showing by item the amount and market value thereof. If at any time it shall appear therefrom that the value of the securities held on deposit is less than the actual value of the policies and annuity bonds issued by such company and then in force, it shall be unlawful for the Commissioner to execute the certificate on any additional policies or annuity bonds of such company until it shall have made good the deficit.

Any company depositing under the provisions of this act, may increase its deposits at any time by making additional deposits of not less than \$5000 of such securities as are authorized by this act. Any such company whose deposits exceed the net value of all policies and annuity bonds it has in force, less such liens (not exceeding such net value) as the company may hold against them, may withdraw such excess, and it may withdraw any of such securities at any time by depositing others of equal value and of the character authorized by this act in their stead, and it may collect the interest, coupons, rents and other income on the securities deposited as the same accrue.

The securities deposited under this act by each company shall be placed and kept by the Commissioner of Insurance and Banking of the State in some secure, safe, deposit fireproof box or vault in the city or town in or near which the home office of the company is located, and the officers of the company shall have access

to such securities for the purpose of detaching interest coupons and crediting payment and exchanging securities as above provided, under such reasonable rules and regulations as the Commissioner may establish.

Sec. 3. Every company making deposit under the provisions of this act shall pay to the Commissioner of Insurance and Banking for each certificate placed on registered policies or annuity bonds issued by the company after the original or first deposit is made hereunder, a fee of 25 cents, and the fee so received shall be disposed of by said Commissioner as follows:

1. The payment of the annual rent or hire of the safety deposit fireproof box above provided.

2. Payment for the services of a competent and reliable representative of said Commissioner, to be appointed by him, who shall have direct charge of the securities and safety box containing same, and through whom and under whose supervision the insurance company may have access to its securities for the purposes above provided. The sum paid such representative shall not exceed \$60 per annum for each company.

3. The balance of such fees shall be paid to or deposited with the State Treasurer to the credit of the general fund.

Sec. 4. Any life insurance company organized under the laws of this State and the making the deposit provided for by this act, may include as a part thereof securities representing its capital stock, and any deposits of its securities heretofore or hereafter made in compliance with the laws of this State representing its capital stock, and shall only be required to deposit in addition thereto the remainder of its total reserve on outstanding policies and annuity bonds after deducting therefrom the amount of its capital stock securities so deposited.

Sec. 5. Deposits of securities made hereunder to the value of the reserve on all outstanding policies and annuity bonds shall be added to and maintained from time to time as the reserve values increase, by the company issuing such contracts, or by any company which may reinsure or assume them, and such securities shall be held by the Commissioner of Insurance and Banking, and his successors in office in trust for the benefit of such policies and annuity bonds so long as the same shall remain in force. No company making the de-

posit provided for herein shall reinsure its outstanding business, or the whole of any one or more of its risks, except in or with a company or companies incorporated and organized under the laws of this State, or a company having permission to do business in this State.

Sec. 6. If any life insurance company doing business under the laws of this State has written or assumed risks that are substandard or extra hazardous and has charged therefor more than its published rates of premium the Commissioner of Insurance and Banking shall, in valuing such policies compute and charge such extra reserves thereon as is warranted by reason of the extra hazard assumed and the extra premium charged.

Sec. 7. No life insurance company transacting business in this State shall pay or contract to pay, directly or indirectly, to its president, vice president, secretary, treasurer, actuary, medical director, or other physician charged with the duty of examining risks or applications for insurance, or to any officer of the company other than an agent or solicitor, any commission or other compensation contingent upon the writing or procuring of any policy of insurance in such company or procuring an application therefor, by any person whomsoever, or contingent upon the payment of any renewal premium, or upon the assumption of any life insurance risk by such company, and should any company violate the provisions of this section, it shall be the duty of the Commissioner of Insurance and Banking to revoke its certificate of authority to transact business in this State.

Sec. 8. The provisions of this act shall likewise apply to and govern "co-operative" life insurance companies organized under the laws of this State.

Sec. 9. The fact that there is now no law in this State authorizing life insurance companies to afford their policy holders the protection provided by this act, constitutes an emergency and an imperative public necessity demanding that the constitutional rule requiring all bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 18, and find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any two or more surety companies authorized to transact business in this State, or their agents therein, may form an association for the purpose of reducing losses, gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship; provided, that no such association shall be formed except upon condition that it shall, through its proper officers, immediately submit to the Commissioner of Insurance and Banking of this State a schedule of the rates so ascertained and proposed to be established and maintained by such companies; if such Commissioner shall, upon considering such schedule of rates, find that the same are not unreasonable or excessive and do not exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that such rates do not exceed the rates charged by any such surety company anywhere outside of the State of Texas for the same class of risks or risks of substantially the same degree of hazard, he shall approve the same; if he shall disapprove such schedule of rates, or any portion thereof, it shall be his duty to fix a schedule of rates which will not be unreasonable or excessive or exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that shall not exceed the rate charged by any such companies outside of the State of Texas for the same

class of risks or risks substantially the same degree of hazard. All such rates so ascertained and made, when approved by the Commissioner, or when fixed by him as provided in this section, shall thereafter be maintained by all such companies and their agents; provided, that any such action of the Commissioner of Insurance and Banking shall be subject to review by any court of competent jurisdiction at the suit of any party affected thereby. Any such association, complying with the provisions of this section, may also adopt means to prevent discrimination and rebates on the part of any company represented therein and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, guardians, executors, administrators and other fiduciaries of whatsoever kind, and of others for whom surety companies may become sureties.

Sec. 2. No such surety company shall make or permit any discriminations or favoritism between those of the same class for whom it shall issue its obligations, nor shall it, nor any of its agents, pay or allow, directly or indirectly, as an inducement to suretyship, any rebate of the premium payable for such suretyship, or any special favor or advantage to accrue thereon.

Sec. 3. Any such surety company, or agent thereof, who shall violate any of the provisions of the preceding section shall forfeit and pay a sum not exceeding one hundred dollars (\$100) for each and every violation thereof, to be recovered in an action in the name of the State. And upon conviction, it shall be the duty of the Commissioner of Insurance and Banking to revoke the certificate of authority of any such surety company or agent thereof so violating any of the provisions of this act.

Sec. 4. The fact that there is now no law authorizing the organization of the association provided for in this act, and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate bill No. 35, and find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act amending Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature," and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 8 of an act passed by the First Called Session of the Thirty-first Legislature of the State of Texas, entitled "An Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature," be and the same is hereby amended so as to hereafter read as follows:

"Section 8. Certificate.—Every certificate issued by any association shall specify the maximum amount of benefit provided thereby, and the conditions governing the payment thereof, and shall provide that the certificate, the charter, or article of association, the constitution and laws of the association and the application for membership and medical examination signed by the applicant shall constitute the contract between the association and the member and copies of the same, certified by the secretary of the association or corresponding officer, shall be received in evidence of the terms and conditions of the contract; and any changes, additions or amendments to said charter or articles of association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate, shall bind the member and his beneficiary and shall

govern and control the contract in all respects the same as though such changes, additions or amendments had been made prior to, and were in force at the time of the application for membership; provided, it shall never be necessary for any such association to accompany its contract, policy or certificate with the copy of the application of such policy, contract or certificate nor with a copy of the questions and answers thereto. All benefit certificates shall from the date of their issuance be non-contestable on account of any statement or representation made by said applicant for membership either in his application or otherwise, or his medical examination, unless such representation shall be material to the risk assumed, and the burden of proof shall be upon the defendant to affirmatively establish such defense."

Sec. 2. The fact that the fraternal beneficiary law referred to in Section 1 of this act, passed by the First Called Session of the Thirty-first Legislature was by mistake amended so as to render it unintelligible, creates an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 42, and find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to amend Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 486, Chapter 5, Title 18 of the Revised Statutes of 1895, be so amended that the same shall hereafter read as follows:

"Article 486. The city or town council of any city or town in this State incorporated under the general law, shall

have the power by ordinance to levy and collect an annual ad valorem tax sufficient to meet the interest and sinking fund on all indebtedness legally incurred prior to the adoption of the constitutional amendment in 1883; regarding the power of cities and towns to levy and collect taxes, etc., and may levy and collect 25 cents on the \$100 valuation of all property in such city or town or current expenses, and may levy and collect an additional 25 cents on the \$100 valuation for the purpose of construction or the purchase of public buildings, water works, sewers and other permanent improvements within the limits of such city or town, and shall also have power by ordinance to levy and collect a tax not exceeding 15 cents on the \$100 valuation of property for the construction and improvement of the roads, bridges and streets of such city or town within its limits, and all cities and towns providing for such improvements shall have the power to issue coupon bonds of the city therefor in such sum or sums as they may deem expedient, to bear interest not exceeding 6 per cent per annum; provided, that the aggregate amount of bonds issued for the construction or the purchase of public buildings, water works, sewers and other permanent improvements shall never reach an amount where the tax of 25 cents on the \$100 valuation of property will not pay current interest and provide a sinking fund sufficient to pay the principal at maturity; and provided, also, that the amount of bonds issued for street improvement purposes shall never reach an amount where the tax of 15 cents on the \$100 valuation of property will not pay current interest and provide a sinking fund sufficient to redeem them at maturity, and the amount of bonds legally issued under acts passed prior to the adoption of the present Constitution shall not be computed and estimated in the amount of bonds which may be issued for the above named city improvements. Within the meaning of this article shall be included building sites and buildings for the public free schools and institutions of learning within their limits."

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. Whereas there is now no law authorizing cities and towns to issue bonds for street improvements, creates an emergency and an imperative public necessity that the constitutional rule re-

quiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 41, "An Act to amend Section 1, Chapter 132 of the Acts of the Twenty-ninth Legislature so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency."

And find it correctly enrolled, and have this day, at 10:45 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, May 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 4, and find it correctly enrolled, and have this day, at 9:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund, and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature, shall avail their depositors of protection provided for by this act, either by the depositors' guaranty fund or by bond at their option; providing that all National banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this act; providing that banks incorporated by special act of the Legislature of the State of Texas may, voluntarily, on certain conditions protect their depositors under this act; providing that private banks may, voluntarily, avail their depositors of the protection by bond provided by this act; amending Sections 39, 50, 56 and 44, Chapter 10, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulations and safeguards for the protection of depositors, and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every corporation which may hereafter be incorporated under the laws of this State with banking and discount privileges, and each banking and trust company in this State heretofore incorporated, or that may hereafter be incorporated under the provisions of Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and known as the State Banking Law, shall, at its option, protect its depositors in the manner hereinafter prescribed, either by availing itself of the depositors' guaranty fund hereinafter provided for, or by the depositors' bond security system hereinafter set forth.

Sec. 2. A State Banking Board is hereby created, which board shall be composed of the Attorney General, Commissioner of Insurance and Banking, and Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations in harmony with this act for the management of said fund, said board shall have the general supervision and control of the depositors' bond security system herein provided for, and shall have the power of the regulation, control and supervision of all State banking corporations and trust companies as hereinafter provided in this act.

Sec. 3. Each and every bank and trust company mentioned in Section 1 of this act shall have the right and privilege, at its option, to secure its depositors by the manner, methods and under the terms, provisions and regulations as set forth in this act for the depositors' guaranty fund or the bond security system; provided, that all such banks and trust companies shall secure their depositors by one of said plans on January 1, 1910; provided further that such option shall be exercised on or before October 1, 1909, and provided that such option shall be exercised by the holders of the majority of the stock, and the president or cashier of such bank shall notify the Commissioner of Insurance and Banking by registered mail of such action.

Sec. 4. Any such bank or trust company which shall elect to secure its deposits under the depositors' guaranty fund provided for by this act, shall pay to said banking board, providing its application is approved by said board as hereinafter prescribed in Section 7 of this act, on January 1, 1910, 1 per cent of its daily average deposits for the preceding year ending November 1, 1909, not including United States, State or other public funds, if otherwise secured, for the purpose of creating a depositors' guaranty fund.

Annually after the first payment to said fund, each bank and trust company subject to the provisions of the guaranty fund plan of this act shall pay to said board one-fourth of 1 per cent of its daily average deposits for the year ending November 1 of the preceding year as above defined, which amount shall be added to said guaranty fund; provided that when the amount available

in said guaranty fund shall reach the sum of two million dollars the Bank Commissioner shall notify all banks and trust companies subject to this act, at least thirty days before the next annual payment, and thereafter the banks and trust companies participating shall not pay any further amount into said fund until said fund be depleted, in the event of the depletion of said fund from any cause so that it falls below two million dollars or below the amount of the guaranty fund on January 1 preceding, or in the event of necessity to meet an emergency at any time, said board shall have authority to require the payment for the current year of two per cent of such average deposits, or such part thereof as may be necessary to restore said fund to the maximum above named or to its amount as of January 1 preceding, or to meet the emergency, but no bank or trust company coming under the provisions of this act shall ever be required to pay more than two per cent of said average daily deposits for any one year; providing further that first payments herein provided for shall be made to said board without reference to said maximum sum.

Sec. 5. The fund provided for herein shall be paid to the State Banking Board as follows:

Twenty-five per cent of each payment required of each such bank or banking and trust company shall be paid to said board in cash and shall be by it deposited for safe keeping only with the State Treasurer as bailee for the State Banking Board, and shall be paid out by the State Treasurer on warrants drawn by the order of said board, and said fund shall never be diverted from the purpose specified in this act, nor shall it ever be considered State funds. The remaining seventy-five per cent of each payment required shall be paid by each such bank or banking and trust company crediting the State Banking Board with such amount as a demand deposit subject to check upon the order of said board. It shall be the duty of said board to keep at all times twenty-five per cent of the amount of said fund deposited with the State Treasurer in cash as provided herein.

Sec. 6. State bank and trust companies organized less than one year prior to the taking effect of this law or hereafter organized on approval of their applications as provided for in Section 7 of this act shall pay into said guaranty fund three per cent of the amount of their capital stock and surplus, which amount shall constitute a credit fund, subject to adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this act.

Sec. 7. The State Banking Board shall admit to the benefits and protection of this act only such banks and trust companies as in their opinion are solvent and properly officered and conducted, and shall prescribe the form of application and statement which shall be made by each and every bank and trust company and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each State bank and trust company in this State at least ten days before this act requires the initial payment, and which shall be filled out, signed and sworn to and returned promptly to said board, and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust company, it shall state the grounds of such declination to such institution and whether the objection can be removed, and the condition thereof.

Sec. 8. Any National bank in this State may voluntarily avail its depositors of the protection of the depositors' guaranty fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks; provided, that in the event National banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal government and thereby the deposits in National banks in this State should be guaranteed by virtue of Federal laws, that the National banks having availed themselves of the benefits of this act may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks.

Sec. 9. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in Chapter 10, Acts of the First Called Session of the Twenty-ninth Legislature, come into the hands of the Commissioner of Insurance and Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give bond as may be required by the board, payable to the board for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund, or any party at interest. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank.

No bank, trust company, association or individual knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance of clearance thereafter made, or liability thereafter incurred against any of the assets of the State bank of whose property and business the Commissioner shall have taken possession as aforesaid. Such State bank may, with the consent of the State Banking Board, resume business upon such condition as may be approved by it, which permission shall be evidenced by a written statement to that effect from the Commissioner. Upon taking possession of the property and business of such State bank, the Commissioner is authorized to collect moneys due to such corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as herein provided. The Commissioner shall collect all debts due and claims belonging to such State bank, and upon the order of the district court, if in session, or the judge thereof, if in vacation, of the county in which it was located and transacting business, may sell or compound all bad or doubtful debts, and on like order may sell the real or personal property of such State bank on such terms as the court shall direct; and may, if necessary to pay the debts of such State bank, enforce the individual liability of the stockholders. The Commissioner may, under his hand and official seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner and a certified copy in the office of the clerk of the county court in which such State bank was located and transacted business. The Commissioner may, from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said commissioner may deem proper. The Commissioner may employ such counsel and procure such expert assistance as may be necessary in the liquidation and distribution of the assets of such State bank and may retain such of the officers or employees of such State bank as he may deem necessary. The Commissioner shall require from a special agent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The Commissioner shall cause notice to be given by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons who may have claims against such State bank to present the same to the Commissioner and make legal proof thereof at a place and within a time not earlier than the last day of publication to be therein specified, which notice shall contain a statement, in larger type than that in which the body of such notice is printed, specifically stating that all such claims of guaranteed depositors must be presented and legal proof thereof made at the place designated within forty-five days after the date which the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after expiration of forty-five days shall not be entitled to payment of any portion thereof out of the depositors' guaranty fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank. If the Commissioner doubts the justice and validity of any claim he may reject the same and serve notice of such rejection upon the claimants, either by mail or by written notice personally served. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon the claim so rejected must be brought within six months after

such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the Commissioner equitably applicable thereto. Upon taking possession of the property and assets of such State bank, the Commissioner shall make an inventory of the assets of such State bank in duplicate, one to be filed in the office of the Commissioner and one in the office of the clerk of the county court in which such State bank was located and transacting business, upon the expiration of the time fixed for the presentation of claims, the Commissioner shall make a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, and showing fully all claims and amounts paid to guaranteed depositors out of the depositors' guaranty fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected or are in dispute, one to be filed in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable times to inspection. All compensation of special agents, counsel and other employees and assistants, and all expenses of supervision and liquidation shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacting business, on notice to such State bank; provided, that the compensation of such special agents shall always be the same as is provided by law for State bank examiners, and shall, upon the certificate of the Commissioner, be paid out of the fund of such State banks in the hands of the Commissioner. The moneys collected by the Commissioner shall be from time to time deposited in one or more State banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. At any time after the expiration of the date fixed for the presentation of claims, the Commissioner may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, he may declare a final dividend, such dividends to be paid to such person and in such manner and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In the declaration and payment of all such dividends the depositors' guaranty fund shall be entitled to receive as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the depositors' guaranty fund, together with 6 per cent interest thereon from the date or dates upon which checks were drawn upon all State banks, as hereinafter provided, for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to State banks upon which checks were drawn for such payment of guaranteed deposits in proportion to the amounts of such checks, respectively. Objections to any claim not rejected by the Commissioner may be made by any party interested by filing a copy of such objections with the Commissioner, who shall present the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend. The court may make proper provision for unproved or unclaimed deposits. Whenever any such State bank, of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time, apply to the district court, if in session, or to the judge thereof, if in vacation, of the district in which such bank is located and transacting business to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockholders), except for the amount

of their deposits over and above their liability under the law as stockholders, whose claim or claims as such creditor or depositor shall have been duly proven and allowed, the full amount of such claims, and shall have repaid to the depositors' guaranty fund all amounts paid out of it to guaranteed depositors of such State bank, together with 6 per cent interest thereon from the date when the checks to provide for such payment were drawn and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the Commissioner shall call a meeting of the stockholders of such State bank by giving notice thereof for thirty days in one or more newspapers in the county where such State bank was located and transacted business. At such meeting the stockholders shall determine whether the Commissioner shall be continued as liquidator, and shall wind up the affairs of such State bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and a majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the district court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents shall execute and file with the Commissioner a bond, in such amount, with such sureties and in such form as shall be approved by the Commissioner, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the Commissioner shall transfer and deliver to such agent or agents all the undivided and unclaimed or other assets of such State bank then remaining in his hands; and upon such transfer and delivery the said Commissioner shall be discharged from any further liability to such State bank and its creditors and stockholders. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said State bank, as herein provided in the case of distribution by the Commissioner, except that the expenses thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business. In case of the death, removal or refusal to act of such agent or agents, the stockholders, on the same notice, to be given by the Commissioner, upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may select a successor and shall have the same power and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner in his name of office, in trust for the several depositors with and creditors of the liquidated State bank from which they were received, who are entitled thereto. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them, respectively. The Commissioner shall pay over the moneys so held by him to the persons respectively entitled thereto upon the order of the State Banking Board, who shall direct such payment to such persons upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, the State Banking Board may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof. The State Banking Board may apply the interest earned by the moneys held by the Commissioner, or may authorize him to apply the same toward defraying the expenses incurred in payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same, and the Commissioner shall include in his official

report a statement of the amount of interest earned by such unclaimed dividends. Any State bank may, at any time, place its affairs and assets under the control of the Commissioner by posting a notice on its front door, as follows: "This institution is in the hands of the Commissioner of Insurance and Banking of the State of Texas." The posting of this notice or of the same notice by the Commissioner or any State bank examiner at any time when he shall have taken possession of the property and business of a State bank, shall be sufficient to place all its assets and property of whatever nature in the possession of the Commissioner and shall operate as a bar to any attachment proceedings whatever.

Sec. 10. In the event the Commissioner of Insurance and Banking shall take possession of any bank or trust company, subject to the depositors' guaranty fund plan of this act, as herein provided, the depositors of said bank or trust company, as specified in Section 4 of this act, shall be paid in full out of the cash in said bank or trust company that can be made immediately available from such bank, and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient; provided, that deposits upon which interest is being paid or contracted to be paid directly or indirectly by said bank, its officers or stockholders, to the depositor and deposits otherwise secured shall not be insured under this act, but shall only receive the pro rata amount which may be realized from the assets, resources and collections of and from such banks and trust companies, its stockholders or directors.

Sec. 11. The State shall have, for the benefit of the depositors' guaranty fund, a first lien upon all assets of such bank or trust company, and all liabilities owing or accruing to such bank or trust company, in the event of the closing, as provided by law, of any such State bank or trust company operating under the depositors' guaranty fund plan, which lien shall attach and be in force from the time such bank or trust company is legally closed, upon all the property and assets then in possession of such bank or trust company; provided, however, that any deposits on which said bank was paying interest and any other deposits or debts not insured under this act and which are entitled to share in the assets, shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

Sec. 12. In the event the depositors' guaranty fund, or any part thereof, shall be used by said banking board to pay off the depositors of a National bank which has accepted the provisions of this law, then said banking board shall receive from the receiver or other officer in charge of said bank the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the banking board.

Sec. 13. Any State bank or banking and trust company, incorporated under the laws of this State, desiring to maintain a savings department or to use or continue to use the word "savings" as a part of its corporate name, or in or as part of any sign or advertisement, or in or upon any stationery used or to be used by it, shall establish and maintain a savings department in compliance with the provisions of this section. Such savings department may be established by the board of directors adopting a resolution providing therefor, at a regular meeting, which shall contain a copy of this section, and a certified copy of which shall be filed in the office of the Commissioner of Insurance and Banking, and also recorded in the office of the county clerk of the county in which such bank or banking and trust company is located; such copies to be filed by the bank or banking and trust companies maintaining such savings departments and using the word "savings" as above provided at the time this act shall take effect, and which desire to continue to do so, within ninety days from the time this act shall take effect, and to be filed by banks desiring to establish such savings departments after this act shall take effect prior to the establishment of such department. All banks or banking and trust companies establishing or maintaining a savings department or using the word "savings" as above provided after this act shall take effect, or which having such departments or using the word "savings" at the time this act shall take effect, shall continue to maintain such departments or to so use the word "savings" more than ninety days thereafter shall keep the

business of such department entirely separate and distinct from the general business of such bank or banking and trust company, and shall keep all moneys received as such savings deposits and the funds and securities in which the same may be invested, at all times segregated from and unmingled with the other moneys and funds of the bank or banking and trust company, and may invest not more than eighty-five per cent of the total amount of such savings deposits in any of the following classes of securities, and not otherwise, to wit:

1. In bonds or interest bearing notes or obligations of the United States or of those for which the faith of the United States is pledged for the payment of principal and interest.

2. In bonds of any city, county, town or school district or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof, within five years previous to making such investments.

3. In bonds of the State of Texas or of any State of the Union that has not within the last five years previous to making such investment defaulted in the payment of any part of either principal or interest thereof.

4. In the first mortgage bonds of any steam or electric railroad, the income of which is sufficient to pay all operating expenses and fixed charges, which has its domicile in the State.

5. In bonds or notes secured by first mortgage, deed of trust or other valid lien on unincumbered improved real estate to run for a term of not longer than ten years, situated in the State, worth at least twice the amount loaned thereon, such bonds or notes to be always accompanied by a complete abstract of title to the property mortgaged and an attorney's certificate or title insurance policy in some company incorporated under the laws of this State, certifying said bonds or notes to be the first lien on the land mortgaged.

It shall be the duty of the directors of such bank or banking and trust company, as soon as practicable, to invest the moneys and funds of such savings department, by purchase or otherwise, in the securities above described, and from time to time to sell and reinvest the proceeds of such investments, but for the purpose of meeting current demands in excess of the receipt, any of the securities may be sold, or taken up and replaced in cash by the bank or banking and trust company out of its general fund, and there shall be kept on hand at all times not less than fifteen per cent of the whole amount of such deposits in actual cash, in such savings department.

It shall be lawful to require sixty days' written notice of the withdrawal of any savings deposits as provided for in this section, at the option of the bank or banking and trust company. In case of the insolvency or liquidation of any State bank or banking and trust company which shall establish or maintain a savings department under the terms of this section, its savings depositors shall have an exclusive prior lien upon all the assets, including cash, of such savings department, and which shall be first paid, and the remainder, after they have been paid in full, shall be applied to the payment of claims of general creditors. It shall be the duty of the president of each State bank or banking and trust company maintaining a savings department under the provisions of this section, to file with the Commissioner of Insurance and Banking not less than ten days after the first calendar month a statement of the assets and liabilities of such savings department, upon a form to be prescribed by the Commissioner of Insurance and Banking, and it shall be unlawful for any officer of any State bank or banking and trust company to receive or assent to the receiving of any savings deposits, when the last preceding monthly statement, as herein provided for is not conspicuously posted in the office from wherein its business is transacted.

The directors of any State bank or banking and trust company establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on the savings deposits as it may see fit, payable at such periods and upon such terms and conditions as may be reasonable; provided, that in any case the earnings of such savings department are insufficient to pay any interest due upon any savings deposits,

such interest or the deficiency therein shall be paid by the bank or banking and trust company out of its general funds. At the end of any period for which such bank or banking and trust company may lawfully declare a dividend upon its stock, it shall be proper to transfer to the general fund of such bank or banking and trust company all accumulated earnings of the said savings department after the payment or credit of all interest due on the accrued savings deposits, and the legitimate expense of such department have been provided for. All such savings departments shall be governed by the terms and provisions of this act so far as the same are applicable and are not in conflict with the special provisions of this section and shall also be governed by such provisions of laws of the State applicable to savings banks as are not in conflict with any of the provisions of this act or of this section, and such reasonable rules and regulations for the control of such savings department may be adopted and put in force by the board of directors at any regular meeting of the stockholders at any annual meeting; provided, that such rules and regulations shall not become effective until they have been submitted to the Commissioner of Insurance and Banking and by him approved.

It shall be unlawful for any director or officer of any bank or banking and trust company which shall establish or maintain or continue to maintain a savings department or which shall use the word "savings" as provided in this section to knowingly misappropriate any moneys or funds belonging to such savings department or to use or consent to the use of any such moneys or funds otherwise than for the payment of lawful demands of savings depositors, and in the making of such investments as are prescribed in this section, and in the payment of such dividends to the shareholders as are allowed by the law to be paid therefrom, or to borrow any of the funds belonging to such savings department, or to in any way be an obligor for moneys loaned by or borrowed of such savings department, or to receive or accept, directly or indirectly, any commission, brokerage or other valuable thing or favor of any kind by reason or on account of any loan or investment made out of the funds of such savings department, or to sell to such savings department any security or other investment, or wilfully and knowingly do or perform any act or transaction by or as a result of which at any time the assets of such savings department, including cash, shall not at least equal in amount the deposits in such savings department, at least fifteen per cent of which shall be actual cash in such savings department.

Any officer or director of any State bank or banking and trust company who shall knowingly violate the provisions of this section, shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in the State penitentiary for a term of not less than one nor more than five years.

In computing the aggregate amount of average annual deposits of any bank or banking and trust company for the purpose of ascertaining whether or not it shall be required to increase its capital stock as provided in this act, or for the purpose of determining the amount required to be paid into the depositors' guaranty fund as provided in this act, the deposits of its savings department as provided in this section shall not be included.

Sec. 14. In the event of the voluntary liquidation of any bank or trust company operating under the provisions of the depositors' guaranty fund, when it shall be made to appear to the State Banking Board that all depositors have been paid in full, said board shall return to such bank or trust company the pro rata part paid by it into such fund then unused.

Sec. 15. Each and every State bank or trust company now or hereafter incorporated under the laws of this State, which shall elect to come under the provisions of the bond security system of this act, shall on January 1, 1910, and annually thereafter, file with the Commissioner of Insurance and Banking and his successors in office for and on behalf of the lawful depositors of such bank a bond, policy of insurance or other guaranty of indemnity in an amount equal to the amount of its capital stock, which said bond, policy of insurance or other guaranty of indemnity shall be for and inure to the benefit of all depositors. Such instrument and the security thereby provided shall be approved by the county judge of the county in which such business is domiciled, and shall take effect and be in force from and after the time

it is approved and filed in the office of the Commissioner of Insurance and Banking. Every such corporation shall comply with the provisions of this act, as herein provided, and every such corporation that may hereafter be incorporated shall comply with the provisions of this act as to the depositors' guaranty fund plan or the bond security system on filing its charter, before it shall be permitted to receive deposits. Every such bond or policy of insurance or other guaranty of indemnity filed as provided for in this act, shall secure depositors at the time said bond is filed and approved and all deposits made during the period of twelve months thereafter.

In case the bond hereinabove provided for shall be executed by personal obligation or security, then in no event shall such bond be deemed adequate and sufficient unless and until it shall have been executed by at least three different persons or individuals of financial responsibility and solvency satisfactory to the authorities herein authorized by this act to approve such bond. The bond or other form of guaranty provided for in this act may be made by any person, firm or corporation authorized to execute the same and any and all corporations incorporated under the provisions of Sections 8 and 9 of Chapter 10 of the First Called Session of the Twenty-ninth Legislature or any act amendatory thereof, shall be and they are hereby authorized and empowered to execute such bonds or guarantees, either singly or collectively, subject to approval as herein provided for; provided, that any such corporation which is at the time operating under the guaranty fund system provided for by this act shall not be accepted as a surety on any such bond.

Sec. 16. Any person, firm or corporation other than as described in Section 1 hereof transacting lawfully a banking business in this State, or lawfully receiving funds on deposit, shall be authorized to take advantage of the provisions of the bond security system of this act and to file with the Commissioner of Insurance and Banking a bond or policy or other guaranty of indemnity. Any such corporation shall, in such event, file a bond or policy of insurance or other guaranty of indemnity in like amount as it would be required to file if incorporated under the laws of Texas.

Any such person or firm transacting the business of a private bank shall in such event file a bond or policy of insurance or other guaranty of indemnity in an amount to be fixed by the Commissioner of Insurance, which amount shall in no case be less than one-half the amount of the average of the daily deposits with such persons or firm for the preceding period of twelve months; provided, that no person or firm shall be permitted to take the benefit of this section unless such person or firm shall have been engaged in such business in the State of Texas for the period of at least twelve months; provided, that any such person, firm or corporation shall submit to the Commissioner of Insurance and Banking such reports and statements concerning its deposits, and concerning the solvency of such bond or policy of insurance or other guaranty of indemnity as he may require in order to enable him to determine the sufficiency of such bond, or policy of insurance or other guaranty of indemnity, and shall pay all such reasonable expenses as may be incurred by him in the making of an examination thereof; provided, further, that such bond, policy of insurance or other guaranty shall be approved by the county judge and filed with the Commissioner of Insurance and Banking as provided for in Section 15 hereof. Upon the filing of such bond or other form of guaranty it shall be the duty of the Commissioner to furnish a certificate of such fact.

Sec. 17. In the event of default by any person, firm or corporation transacting such business or receiving deposits which shall make, execute or file the bond or policy of insurance or other guaranty of indemnity, provided for herein, in the payment of a deposit lawfully demanded, it shall be the duty of the Commissioner of Insurance and Banking, when such default shall be made known to him, to at once make an examination of such bank, and if in his judgment the bank is insolvent, he shall take charge of such bank as provided by law for the liquidation of State banks. Upon taking charge of a bank as above provided, the Commissioner of Insurance and Banking shall at once give notice thereof to each and all persons who may be obligated by reason of such default and of the conditions of such bond or policy of insurance or other

guaranty of indemnity, and upon such notice the full amount of the same shall thereby become due and payable within sixty days.

When any bond or policy of insurance or other guaranty of indemnity provided for herein shall become due and payable in accordance with the provisions of this act, it shall be the duty of the makers and signers thereof to pay over the full amount of the same to the Commissioner of Insurance and Banking, or such part thereof as he may demand, to be held by him in trust for the depositors with the person, firm or corporation furnishing such bond or policy of insurance or other guaranty of indemnity. All proceeds thus arising either from voluntary payment or otherwise, shall be payable to the Commissioner of Insurance and Banking, and shall be by him promptly paid over pro rata to unpaid depositors upon presentation to him of satisfactory proofs of their claims, which proofs shall be received and filed before payment thereof shall be approved by him.

In the event any maker or signer as surety of such bond or policy of indemnity shall be a corporation incorporated under the laws of Texas and it shall refuse or fail to pay over within sixty days, as herein provided, the full amount due by it upon such bond or policy of insurance or other guaranty of indemnity, its charter shall thereby become subject to forfeiture, and it shall be the duty of the Attorney General upon receiving notice thereof from the Commissioner of Insurance and Banking to bring suit in the district court of Travis county, Texas, within thirty days to forfeit such charter, and upon hearing thereof decree and judgment may be rendered, annulling and forfeiting the charter of such corporation.

In the event any maker or signer as surety of such bond, or policy of insurance, or other guaranty of indemnity shall be a corporation incorporated elsewhere than in the State of Texas, and transacting business in this State under a permit from the State, and it shall refuse or fail to pay over within sixty days after demand shall have been made therefor by the Commissioner of Insurance and Banking, as herein provided, the full amount of its liabilities upon such bond, or policy of insurance, or other guaranty of indemnity, it shall thereupon be the duty of the Commissioner of Insurance and Banking to notify the Secretary of State of said facts, and it shall be the duty of the Secretary of State and the Commissioner of Insurance and Banking thereafter to refuse any permit to said corporation to transact business in this State until it shall show to the satisfaction of such officers that it has fully discharged its liabilities upon such bond, or policy of insurance or other guaranty of indemnity upon which default was thus made.

In the event such person, firm or corporation shall default in the payment of a lawful demand and shall so continue for the period of ninety days from the beginning thereof, and the obligation of such bond of insurance or other guaranty of indemnity is not discharged it shall be the duty of the Attorney General or any district or county attorney, acting at his instance, to bring suit upon such bond or policy of insurance or other guaranty of indemnity in the name of the Governor and for the benefit of all persons who may be beneficiaries thereof by reason of its terms and conditions.

Such suit shall be instituted in the district court of the county where the person, firm or corporation furnishing such bond, policy of insurance or other guaranty of indemnity transacted such business at the time of the filing thereof, or in any county immediately adjacent thereto at the option of the Attorney General. Any action upon such bond, or policy of insurance or other guaranty of indemnity shall be brought within twelve months of the date therein fixed for the termination thereof.

Sec. 18. Whenever any maker or signer of any bond or policy of insurance or other guaranty of indemnity other than the principal therein, shall be required under the provisions of this act to pay over for the benefit of the depositors with any person or corporation, any sum or sums of money, such maker or signer making or participating in such payment, shall thereby become subrogated to the rights of the depositor to the extent of the payment or payments so made, and entitled to assert such right in accordance with the laws of the State, secondary and subject to the rights of all depositors secured by such bond, or policy of insurance, or other guaranty of indemnity.

Sec. 19. The Commissioner of Insurance and Banking, when in his judg-

ment it is necessary to make an examination of a bank in order to determine whether or not it is authorized to make bond under this act, or to determine the amount of such bond, shall charge a fee of not to exceed \$20.00 against each corporation incorporated under the laws of the State to do a banking business or to receive funds on deposit for the examination of the bond, or policy of insurance, or other guaranty of indemnity provided for in Section 16, and the examination of the solvency thereof and for the filing of the same, and shall be authorized to charge an examination fee sufficient to cover the actual expenses thereof against any other person, firm or corporation permitted to file such bond or policy of insurance or other guaranty of indemnity under the provisions of this act.

Sec. 20. The bond, or policy of insurance, or other guaranty of indemnity herein provided for shall contain substantially the following provisions:

STATE OF TEXAS, }
County of..... }

Know All Men by These Presents: That we,
..... as principal and
and as sureties, are held and firmly
bound unto the Governor of the State of Texas, and his successors in office
in trust for the benefit of depositors having funds deposited with.....
..... in the sum ofdollars,
payable as provided by the law of Texas, at the time of the execution hereof,
conditioned that the above bound.....
will pay upon demand, or in accordance with the certificate of deposit to the
persons entitled thereto all deposits in said bank at the date of said bond
and all other deposits made therein during the period of one year from the
date hereof. Upon payment of any sum or sums made obligatory by reason
of the terms hereof, any surety herein making or participating in such pay-
ment shall thereby be subrogated to the rights of a depositor and entitled to
assert such rights in accordance with the laws of the State, secondary and sub-
ject to the rights of all depositors secured by the terms hereof."

Sec. 21. The security for the benefit of depositors provided for by this act
may be divided into two or more bonds, policies of insurance, or other guar-
anties of indemnity or any part thereof may be given in either of such forms
of guaranty of indemnity; provided, that the aggregate thereof shall be equal
to the total amount of the security required in accordance with the pro-
visions of this act.

Sec. 22. Whenever the deposits of any corporation incorporated under the
laws of Texas which shall have filed a bond, or policy of insurance, or other
guaranty of indemnity with the Commissioner of Insurance and Banking in ac-
cordance with the provisions of this act shall exceed six times the amount
of its capital and surplus, it shall be its duty to furnish in addition to the
security theretofore so given, additional security for the protection of its
depositors, which additional security shall consist of one or more bonds, or
policies of insurance or other guaranties of indemnity, as herein provided, in
a sum or sums, which shall, in the aggregate, be equal to the total amount
of such excess of deposits above six times the amount of the capital and sur-
plus of such corporation. In the event any such corporation shall refuse or
fail to comply with the provisions of this section, after demand by the Com-
missioner of Insurance and Banking, it shall be his duty to report the facts
to the Attorney General, who shall thereupon institute suit in the district
court of Travis county to forfeit the charter of such corporation, and such
court shall, upon hearing and proof thereof, enter a decree and judgment
therein, forfeiting and annulling the charter of such corporation.

Sec. 23. If any corporation organized under the general laws of this State
to do a banking business or to receive funds on deposit, shall fail or refuse
to file the bond, or policy of insurance or other guaranty of indemnity, pro-
vided for in Section 16 hereof, in accordance herewith, or avail itself of the
depositors' guaranty fund plan as provided in this act, it shall be the duty
of the Commissioner of Insurance and Banking to promptly report such failure
to the Attorney General, who shall thereupon institute suit in the district
court of Travis county to forfeit the charter of such corporation, and such

court shall, upon hearing and proof thereof, enter decree and judgment therein forfeiting and annulling the charter of such corporation.

Sec. 24. If at any time it shall appear to the State Banking Board that any bond, or policy of insurance or other guaranty of indemnity filed as provided for herein by any corporation organized under the laws of Texas is insufficient, they shall have the authority, and it shall be their duty, to require such corporation to file new or additional security in an amount sufficient to protect its depositors in accordance with the provisions of this act. In the event such corporation shall refuse or fail to comply with such requirements they shall communicate the facts to the Attorney General, who shall thereupon institute such proceedings and take such steps as the nature of the case may require. The Commissioner of Insurance and Banking and the Attorney General shall, in such event, have and exercise, for the protection of depositors, all the authority conferred upon them by Section 40 of Chapter 10 of the General Laws, enacted at the First Called Session of the Twenty-ninth Legislature, and all authority conferred by the provisions of this act.

Section 25. All State banks transacting business in this State shall be required on or after the first day of January, 1910, to hold a certificate of authority to transact a banking business issued by the Commissioner, in compliance with the provisions of this act, and to keep the same conspicuously posted at all times in the banking house where such business is transacted.

It shall be the duty of the Commissioner of Insurance and Banking to issue to each State bank which the State Banking Board shall have approved and certified to him as provided in this act as being entitled to transact a banking business, a certificate of authority in such form as the State Banking Board shall approve to be signed by him under his official seal, certifying that such State bank is authorized under the laws of this State to engage in the banking business. Such certificate of authority when issued to guaranty fund banks shall contain the following statement on the face thereof in bold type: "The non-interest-bearing and unsecured deposits of this bank are protected by the State bank guaranty fund." And when issued to bond security banks shall contain the following statement on the face thereof in bold type: "All deposits of this bank are protected by security bond under the laws of the State of Texas." And when issued to the State banks other than guaranty fund banks and bond security banks, it shall contain neither of these, nor any similar statement. The Commissioner of Insurance and Banking shall close all State banks which the State Banking Board shall disapprove and determine not entitled under the laws of this State to transact a banking business, and shall proceed in such cases in the manner provided by law with respect to insolvent banks, unless such banks shall go into voluntary liquidation; provided, that hereafter the Secretary of State shall on issuance of any charter to any bank or banking and trust company, deliver the same to the Commissioner of Insurance and Banking, who shall deliver such charter to such corporation, together with the certificate herein provided for upon such corporation showing to the satisfaction of the State Banking Board that it has complied with the State banking laws.

Any person or persons who shall in any capacity transact or hold themselves out as transacting the business of banking for or on behalf of any State bank or State banking and trust company after the first day of January, 1910, without such bank or banking and trust company shall hold a certificate of authority as herein provided for, except in cases where such certificates shall not yet have been issued to newly incorporated banks as herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense, each day being considered as a separate offense, by a fine of not less than \$100 and not exceeding \$1000, or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Sec. 26. Section 39 of Chapter 10 of the Acts of the First Called Session of the Twenty-Ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Sec. 39. It shall be the duty of the Commissioner of Insurance and Banking, at least once in each quarter of each calendar year to cause each banking corporation heretofore or hereafter incorporated under the general laws of

the State of Texas, subject by law to examination to be thoroughly and fully examined, and any such corporations may be examined whenever such Commissioner may deem it necessary or expedient. Such Commissioner and all State bank examiners shall have the power to administer oaths to any person whose testimony may be desired for the purpose of any such examinations. The expense of every general and special examination shall be paid by the corporation examined in such amount as the Commissioner of Insurance and Banking shall certify to be just and reasonable. Provided, such expenses shall be paid in proportion to the amount of capital stock of the various corporations as follows: Those with a capital stock of \$10,000, shall not pay more than \$12.50; those with a capital stock of more than \$10,000 and not exceeding \$25,000 shall not pay more than \$15.00; those with a capital stock of more than \$25,000 and not exceeding \$50,000 shall not pay more than \$20.00; those with a capital stock of more than \$50,000 and not exceeding \$100,000 shall not pay more than \$30.00; those with a capital stock of more than \$100,000 and not exceeding \$250,000 shall not pay more than \$37.50; those with a capital stock of more than \$250,000 and not exceeding \$500,000 shall not pay more than \$75.00; those with a capital stock of more than \$500,000 and not exceeding \$1,000,000 shall not pay more than \$125.00; those with a capital stock of more than \$1,000,000 and not exceeding \$2,000,000 shall not pay more than \$150.00; those with a capital stock of more than \$2,000,000 and not exceeding \$4,000,000 shall not pay more than \$200.00; and those with a capital stock exceeding \$4,000,000 shall not pay more than \$300.00.

The permanent surplus of any such corporation shall be reckoned in ascertaining the fees for examination as a part of its capital stock. All sums collected as examination fees shall be paid by the Commissioner of Insurance and Banking directly into the State Treasury to the credit of the general revenue fund. Payments for salaries and expenses of examinations and for expenses of the Commissioner of Insurance and Banking in enforcing this act, shall be made upon the certificate of the Commissioner of Insurance and Banking by warrant of the Comptroller upon the State Treasurer.

Sec. 27. If from the sworn statement of the average daily deposits of any bank for the year ending on the first day of November, 1909, or of any subsequent year, filed with the Commissioner as provided in this act, it shall appear that such average daily deposits for such year amounted to more than five times the capital stock and surplus of such bank on November 1 of such year, if the capital stock of such bank is not more than \$10,000 or more than six times such capital stock and surplus if the capital stock is more than \$10,000 and less than \$20,000; or seven times such capital and surplus, if the capital stock is \$20,000 or more, and less than \$40,000; or eight times such capital stock and surplus, if the capital stock is \$40,000 or more, and less than \$75,000; or nine times such capital stock and surplus, if the capital stock is \$75,000 or more, and less than \$100,000; or ten times such capital stock and surplus, if such capital stock is \$100,000 or more, then in any such case it shall be the duty of the State Banking Board to require that such State bank shall within sixty days thereafter increase its capital by 25 per cent thereof, and it shall be the duty of the Commissioner to immediately furnish such State bank with a certified copy of the order making such requirement, and upon the receipt of such requisition the directors of such State bank shall, within the time required, cause such increase to be made in its capital stock, and if the same is not done within such time, it shall be unlawful for such bank to thereafter receive any deposits at any time when its total demand and time deposits shall in the aggregate amount to more than the limitation herein placed upon deposits; provided, that any State bank which purchases the assets of any other bank shall before the purchase of the assets of such other bank, increase its capital to such an amount that the same will have the ratio to the total deposits of the bank the assets of which it has purchased, as defined and required in this section.

Sec. 28. After this act shall take effect it shall be unlawful for any State bank or trust company to own more than ten per cent of the capital stock of any other banking corporation, or to make a loan, secured by the stock of any other banking corporation if by the making of such loan the total stock of such other banking corporation held by it as collateral will exceed

in the aggregate ten per cent of the capital stock of such other banking corporation unless the ownership or the taking of a greater percentage of such capital stock as collateral shall be necessary to prevent loss upon a debt previously contracted in good faith, and any such excess so taken as collateral or owned by such State bank shall not be held as collateral nor owned by it for a longer period than six months.

Sec. 29. All State banks and trust companies shall be permitted to loan upon or discount commercial or business paper secured by lien upon cotton and cotton seed products to the same extent and upon the same conditions as is now or may be provided for National banks under the laws of the United States.

Sec. 30. Any bank or trust company created by virtue of a special act of the Legislature of the State of Texas now or hereafter engaged in the general banking business in Texas and which at the time has only one place of business and which has heretofore accepted or may hereafter accept one or more of the provisions of the Acts of the Twenty-ninth Legislature known as the State banking law, thereby submitting itself to the jurisdiction of the State Banking Department, may with the approval of the State Banking Board avail itself of the provisions of this act, either as a bond security bank, or as a guaranty fund bank by vote as prescribed for State banks.

Sec. 31. All guaranty fund banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish any form of advertising which they may adopt, or upon their stationery the following words: "The non-interest-bearing and unsecured deposits of this bank are protected by the depositors' guaranty fund of the State of Texas." All bond guaranty banks provided for in this act are hereby authorized and empowered if they desire so to do, to publish by any form of advertising which they may adopt, or upon their stationery, the following words: "The deposits of this bank are protected by guaranty bond under the laws of this State." Said banks are authorized to use the terms "Guaranty Fund Bank," or "Guaranty Bond Bank," as the case may be, but they are hereby prohibited from describing said forms of guaranty by any other terms or words than herein named. Any guaranty fund bank or bond security bank or any officer, director, stockholder or other person for any such bank who shall write, print, publish or advertise in any manner or by any means or permit any one for them, or for said bank, to write, print, publish or advertise any statement that the deposits of any such bank are secured otherwise than as permitted in this section, or who shall make or publish any advertisement or statement to the effect that the State of Texas guarantees or secures the deposits in any such bank or banking and trust company shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment. Any person who shall write, print, publish or advertise the above statement authorized to be used by bond security banks or guaranty fund banks other than as herein authorized shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment.

Sec. 32. Any National bank in this State may voluntarily avail its depositors of the protection of the bond security system herein provided for State banks.

Sec. 33. Section 44, Chapter 10, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas is hereby amended so as to hereafter read as follows:

"Section 44. The Commissioner of Insurance and Banking from time to time shall appoint such number of State bank examiners as may be necessary to make the examinations of banking corporations required by law, which number shall at no time exceed one for each forty banking corporations then subject to examination under the laws of this State. As full compensation for the performance of the duties of examiners each person so appointed shall be entitled to receive a salary of \$2000 per annum, besides necessary traveling expenses. An itemized account of such expenses shall be rendered monthly under oath by each examiner and shall be approved by the Commissioner."

Sec. 34. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature of the State of Texas, is hereby amended so as hereafter to read as follows:

"Section 50. The directors of any bank or trust company organized under this act may appoint and remove any officer or other employe at pleasure. The officer or employe shall have no power to endorse, sell, pledge or hypothecate any note, bond or other obligation received by such corporation for money loaned until such power and authority shall have been given such officer or employe by the board of directors in a regular meeting of the board, a written record of which proceedings shall have first been made upon the minutes of the corporation; and all acts of endorsing, selling, pledging or hypothecating done by said cashier or other officer or employe of any such bank or trust company without the authority of the board of directors given as herein provided, shall be null and void."

Sec. 35. Every officer of every State bank, upon which the powers of a cashier or treasurer may be imposed by the board of directors shall, before entering or being permitted to enter upon the exercise of such powers, or the duties of his office, give a good and sufficient bond in such sum and with such surety or sureties as the board of directors may approve, and in such form as may be prescribed by the Commissioner of Insurance and Banking, conditioned to pay the bank such pecuniary loss as the bank may sustain of money or other valuable securities embezzled, wrongly abstracted or willfully misapplied by said officer in the course of his employment as such and in the course of his employment in any other position in the bank to which he may be appointed, reappointed, elected, re-elected, or temporarily assigned. Such bond shall be approved by the board of directors in writing on the minutes of the corporation, and no member of the board of directors or officers of such State bank shall become surety thereon, and the same shall be deposited in some safe place, inaccessible by the maker thereof or the sureties thereupon, to be prescribed by the board of directors and shown upon the minutes of the corporation.

Sec. 36. No State bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, or, in default thereof, such State bank shall be considered to have its capital stock impaired to the extent of the par value of such shares.

Sec. 37. It shall be unlawful for any such bank to hypothecate or pledge as collateral security for money borrowed upon bills payable or certificates of deposit, or otherwise, its securities to an amount more than 50 per cent greater than the amount borrowed thereon, or for any State bank to issue or execute any bills or other evidence of indebtedness secured or to be secured, by the pledge or hypothecation of any of its securities which shall not contain a provision that in the event such State bank shall, for any cause, have its property and business taken possession of by the Commissioner, at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after the date of such taking possession shall be allowed in which such bank or commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness.

Sec. 38. Section 50 of Chapter 10 of the General Laws of the First Called Session of the Twenty-ninth Legislature is hereby amended so as hereafter to read as follows:

"Section 50. No bank and no bank or trust company or any member of either shall, during the time it shall continue in banking or banking and trust operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by a bank or bank and trust company while it continues its banking and trust

operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any State bank on which interest is past due and unpaid for a period of six months unless the same are well secured or in process of collection, shall be considered bad debts within the meaning of this section.

"The board of directors of any bank or trust company organized under this act may declare a semi-annual or quarterly dividend, if such dividend has been earned, provided the corporation be fully solvent, without such earnings proposed to be divided. But they shall not declare a dividend at any time when the capital of such corporation shall have become impaired to such an extent that it is not worth in good resources the full amount paid in after the payment of all liabilities, and any officer or director of such corporation who shall assent to declaring and paying dividends where the capital stock is so impaired, shall be personally liable to the creditors of the corporation to the amount of his proportion of the proposed dividend, if any loss occur by reason of the payment of such dividends."

Sec. 39. The State Banking Board shall have the power from time to time to make such changes in the form of the statements required of each banking corporation as it may deem advisable, and to require any additional statements which it may deem necessary as to average daily deposits, capital stock, surplus, character of deposits and such other matters as it may deem necessary to the enforcement of this act.

Sec. 40. Should the courts declare any section of this act unconstitutional or unauthorized by law or in conflict with any other section or provision of this act, then such decision shall affect only the section or provision so declared to be unconstitutional and shall not affect any other section or part of this act.

Sec. 41. Every president, cashier, director, teller, clerk or agent of any State bank or banking and trust company incorporated under the laws of Texas who embezzles, abstracts or willfully misapplies any of the moneys, funds or credits of such State bank, or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of such State bank, with intent in either case to defraud such State bank, or any other corporation, body politic, or any individual, person, firm or association or to deceive any officer of such State bank, the Commissioner of Insurance and Banking, or any examiner or special agent, authorized by law to examine the affairs of any such State bank, and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section shall be deemed guilty of a felony and shall, upon conviction, be imprisoned in the State penitentiary for a term of not less than five years nor more than ten years.

Sec. 42. Any director of a State bank or banking and trust company incorporated under the laws of this State who shall either directly or indirectly borrow any of the funds of such bank in excess of 10 per cent of its capital and surplus without the consent of a majority of the directors of the bank first having been obtained and made a matter of record at a regular meeting of the board, or without the written consent of such majority of the directors other than the borrowers being jointly executed by them and filed in the archives of such bank before the loan is made, and any officer of a State bank who shall knowingly become indebted to such bank, directly or indirectly, in any sum whatever, without the consent of a majority of the board other than the borrower, obtained or recorded, or filed in like manner, and any officer or director of such bank who shall knowingly loan or assent to the loaning of any of its funds to any officer, or any of its funds to any director, in excess of 10 per cent of its capital and surplus without such consent being first obtained and recorded or filed, or who shall knowingly permit any such officer or director to become indebted to the bank or liable to it without such consent, shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of not less than two years, upon conviction thereof.

Sec. 43. Any officer, director or employe of any State bank or trust company who knowingly or willfully fails or refuses to perform any duty imposed upon him by law or who shall do or perform or assist in doing or performing any

act or transaction prohibited by the provisions of this act, for the punishment of which provision is not otherwise herein made, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Sec. 44. Neither the Commissioner of Insurance and Banking nor any regularly appointed clerks or employes of the Department of Insurance and Banking, nor any State bank examiner shall, at any time during his incumbency, be financially interested; directly or indirectly, in any State bank or banking and trust company subject to the supervision of the Department of Insurance and Banking, or knowingly be or become indebted, either directly or indirectly, to any such State bank or banking and trust company.

Any officer or employe named in this section violating its provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500 and the venue in such case shall be in the county wherein such State bank or banking and trust company is located. The violation of the provisions of this section shall work a forfeiture of the office or position held by the person guilty of such violation.

Sec. 45. Any officer, clerk or agent of any State bank or banking and trust company incorporated under the laws of Texas, who shall willfully certify to any check or checks before the amount thereof shall have been regularly entered to the credit of the drawer, upon the books of such State bank or banking and trust company shall be deemed guilty of a felony, and upon conviction thereof shall be punished by fine of not less than five hundred nor more than five thousand dollars, or by imprisonment in the State penitentiary for not more than one year, or by both such fine and imprisonment.

Sec. 46. Any State bank examiner or special agent who shall knowingly and intentionally fail or refuse to notify the Commissioner of Insurance and Banking in writing of any violation of the criminal provisions of this act within ten days after the same shall have come to his notice or attention, unless such notice shall, within his knowledge, have been previously given by some other bank examiner or special agent, or any Commissioner of Insurance and Banking who shall knowingly and intentionally fail or refuse to notify in writing the county or district attorney charged by law with the duty of the prosecution thereof, of any such violation within ten days after the same shall have come to his knowledge or attention shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment, and upon conviction shall be removed from office.

Sec. 47. The provisions of this act shall be held to be cumulative of all laws now in force applicable to State banks or banking and trust companies incorporated under the laws of Texas, not in conflict herewith.

Sec. 48. It shall be unlawful for any State bank or banking and trust company in this State to directly or indirectly loan to the Commissioner of Insurance and Banking or any other person interested in or employed by the Department of Insurance and Banking, and it is hereby expressly provided that a violation of this provision shall render such corporation liable to a penalty of not less than \$100 nor more than \$1000, to be recovered for the benefit of the State.

Sec. 49. The fact that there is no law in the State providing for a fund for the protection of depositors in banks and trust companies creates an emergency which requires that the constitutional rule that requires bills to be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.